

Exhibit C

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 11 CIV 0691 (LAK)

5 -----x
6 CHEVRON CORPORATION,

7 Plaintiff,

8 - against -
9

10 STEVEN DONZIGER, et al.,

11 Defendants.
12 -----x

13 June 5, 2013

14 9:06 a.m.

15 Videotaped Deposition of LAURA
16 GARR, taken by Plaintiff, pursuant to
17 Notice, held at the offices of Gibson Dunn
18 & Crutcher LLP, 200 Park Avenue, New York,
19 New York, before Todd DeSimone, a
20 Registered Professional Reporter and
21 Notary Public of the State of New York.
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23
24
25

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES. 3 GIBSON, DUNN & CRUTCHER LLP 4 200 Park Avenue 5 New York, New York 10166 6 Attorneys for Plaintiff 7 BY: REED BRODSKY, ESQ 8 rbrodsky@gibsondunn.com 9 MARY BETH MALONEY, ESQ 10 mmaloney@gibsondunn.com 11 ANDREA E. NEUMAN, ESQ 12 aneuman@gibsondunn.com 13 RANDY M. MASTRO, ESQ 14 rmastro@gibsondunn.com 15 16 GOMEZ LLC 17 111 Quimby Street 18 Suite 8 19 Westfield, New Jersey 07090 20 Attorneys for Defendants Javier 21 Piaguaje Piaguaje and Hugo Gerardo 22 Camacho Naranjo 23 BY: JULIO C. GOMEZ, ESQ 24 25 WHITE & CASE LLP 26 1155 Avenue of the Americas 27 New York, New York 10036 28 Attorneys for The Witness 29 BY: JENNIFER PARADISE, ESQ 30 jparadise@whiteandcase.com 31 DAVID G. HILLE, ESQ 32 dhille@whiteandcase.com 33 34 ALSO PRESENT: 35 MAX GITTER, ESQ, Special Master 36 JUSTIN ORMAND, ESQ, Assistant to the 37 Special Master 38 39 BRENT WELLS, Videographer 40 41 JOSE LUIS MARTIN, ESQ, Chevron 42 Corporation</p>	<p style="text-align: right;">Page 4</p> <p>1 2 themselves and the parties they represent, 3 after which our court reporter, Todd 4 DeSimone, representing Veritext, will 5 swear in the witness and we can proceed. 6 MR. BRODSKY: Good morning, 7 Ms. Garr. My name is Reed Brodsky on 8 behalf of Chevron Corporation with Gibson 9 Dunn & Crutcher. 10 MS. MALONEY: Mary Beth Maloney 11 on behalf of Chevron Corporation of Gibson 12 Dunn & Crutcher. 13 MR. MARTIN: Jose Martin from 14 Chevron Corporation. 15 THE SPECIAL MASTER: Max 16 Gitter, the Special Master, and sitting 17 next to me is Justin Ormand, my assistant. 18 MR. GOMEZ: Julio Gomez of 19 Gomez LLC on behalf of Hugo Camacho and 20 Javier Piaguaje. 21 MR. HILLE: David Hille from 22 White & Case here for the witness, Laura 23 Garr. 24 MS. PARADISE: Jennifer 25 Paradise, White & Case, also representing</p>
<p style="text-align: right;">Page 3</p> <p>1 2 THE VIDEOGRAPHER: We are now 3 on the record. Please note that the 4 microphones are sensitive and may pick up 5 whispering and private conversations. 6 Please turn off all cell phones or place 7 them away from the microphones as they can 8 interfere with the deposition audio. 9 Recording will continue until all parties 10 agree to go off the record. 11 My name is Brent Wells 12 representing Veritext New York. The date 13 today is June 5th, 2013 and the time is 14 approximately 9:06 a.m. 15 This deposition is being held 16 at Gibson Dunn located at 200 Park Avenue, 17 New York, New York. The caption of this 18 case is Chevron Corporation versus Steven 19 Donziger, et al. This case is filed in 20 the United States District Court, Southern 21 District of New York, case number 11 CIV 22 0691 (LAK). The name of the witness is 23 Laura Garr. 24 At this time the attorneys 25 present in the room will identify</p>	<p style="text-align: right;">Page 5</p> <p>1 2 the witness, Laura Garr. 3 * * * 4 L A U R A G A R R, 5 called as a witness, having been first 6 duly sworn, was examined and testified 7 as follows: 8 EXAMINATION BY MR. BRODSKY: 9 Q. Good morning, Ms. Garr. 10 A. Good morning. 11 Q. If you don't understand any of 12 my questions, please let me know so I can 13 rephrase it in a way that you understand 14 it. 15 Is there anything interfering 16 with -- 17 THE SPECIAL MASTER: Actually, 18 I'm sorry to interrupt, I can't hear your 19 questions. So if you could speak up, it 20 would be better. 21 MR. BRODSKY: Sure. 22 Q. Is there anything interfering 23 with your ability today, Ms. Garr, to 24 testify truthfully? 25 A. No.</p>

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<p style="text-align: right;">Page 6</p> <p>1 L. GARR</p> <p>2 Q. Did you prepare for today's</p> <p>3 deposition?</p> <p>4 A. Yes.</p> <p>5 Q. How did you prepare?</p> <p>6 A. I met with Dave Hille and</p> <p>7 Jennifer Paradise on two separate</p> <p>8 occasions and reviewed documents.</p> <p>9 Q. For approximately how long did</p> <p>10 you meet with your counsel?</p> <p>11 A. Approximately six hours.</p> <p>12 Q. What documents did you review?</p> <p>13 A. 150 documents that were sent</p> <p>14 over under protective order by Gibson Dunn</p> <p>15 and then an additional 11 documents I</p> <p>16 believe yesterday that were sent over as</p> <p>17 well.</p> <p>18 Q. The 150 documents are the</p> <p>19 documents with a Garr Bates stamp in the</p> <p>20 bottom right-hand corner?</p> <p>21 A. I believe that's correct.</p> <p>22 Q. And those are documents that</p> <p>23 were produced pursuant to a 502(d)</p> <p>24 agreement?</p> <p>25 A. My understanding is yes, that's</p>	<p style="text-align: right;">Page 8</p> <p>1 L. GARR</p> <p>2 September 2011?</p> <p>3 A. No.</p> <p>4 Q. Have you communicated with him</p> <p>5 in any way since September 2011?</p> <p>6 A. I don't believe so.</p> <p>7 Q. Have you spoken to Andrew Woods</p> <p>8 since your testimony in or about September</p> <p>9 2011?</p> <p>10 A. No, not to my knowledge, no.</p> <p>11 Q. Have you spoken to Aaron Marr</p> <p>12 Page since in or about September 2011?</p> <p>13 A. No.</p> <p>14 Q. Have you spoken to any of the</p> <p>15 Ecuadorian representatives of the Lago</p> <p>16 Agrio plaintiffs since in or about</p> <p>17 September 2011?</p> <p>18 A. No.</p> <p>19 Q. Other than through your</p> <p>20 conversations with your lawyers, are you</p> <p>21 aware that Pablo Fajardo has refused to</p> <p>22 testify in this case?</p> <p>23 A. No.</p> <p>24 Q. Other than through your</p> <p>25 lawyers, are you aware that Julio Prieto</p>
<p style="text-align: right;">Page 7</p> <p>1 L. GARR</p> <p>2 correct.</p> <p>3 Q. Did you review any court</p> <p>4 filings in preparation for today's</p> <p>5 deposition?</p> <p>6 A. No.</p> <p>7 Q. Did you review any videotapes</p> <p>8 or outtakes of the documentary Crude?</p> <p>9 A. No.</p> <p>10 Q. Deposition transcripts?</p> <p>11 A. I did review my prior</p> <p>12 deposition transcript.</p> <p>13 Q. The one in or about September</p> <p>14 2011?</p> <p>15 A. Yes.</p> <p>16 Q. Did you review any other</p> <p>17 testimony in connection with your</p> <p>18 preparation for today?</p> <p>19 A. No.</p> <p>20 Q. Did you speak with others about</p> <p>21 your testimony today, putting aside your</p> <p>22 attorneys and your family?</p> <p>23 A. No.</p> <p>24 Q. Have you spoken to Steven</p> <p>25 Donziger since your testimony in or about</p>	<p style="text-align: right;">Page 9</p> <p>1 L. GARR</p> <p>2 has refused to testify in this case?</p> <p>3 A. No.</p> <p>4 Q. Other than through your</p> <p>5 lawyers, are you aware that Luis Yanza has</p> <p>6 refused to testify in this case?</p> <p>7 A. No.</p> <p>8 Q. Other than through your</p> <p>9 lawyers, are you aware that Juan Pablo</p> <p>10 Saenz has refused to testify in this case?</p> <p>11 A. No.</p> <p>12 Q. Have you spoken with</p> <p>13 Mr. Fajardo since September 2011?</p> <p>14 A. No.</p> <p>15 Q. Julio Prieto, have you spoken</p> <p>16 to him since September 2011?</p> <p>17 A. No.</p> <p>18 Q. Or communicated with either one</p> <p>19 of them in any way?</p> <p>20 A. No.</p> <p>21 Q. And the same question for Luis</p> <p>22 Yanza?</p> <p>23 A. No, I have not.</p> <p>24 Q. Or Juan Pablo Saenz?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 10</p> <p>1 L. GARR</p> <p>2 Q. Have you followed the</p> <p>3 developments in the Lago Agrio litigation</p> <p>4 in Ecuador since you left Mr. Donziger's</p> <p>5 employment in October 2010?</p> <p>6 A. Yes.</p> <p>7 Q. How have you followed the</p> <p>8 developments?</p> <p>9 A. Just newspaper articles or</p> <p>10 press releases that have come out, Law 360</p> <p>11 articles, things of that nature.</p> <p>12 Q. When it comes to the news</p> <p>13 articles that you referred to, what</p> <p>14 sources, in addition to Law 360, did you</p> <p>15 read?</p> <p>16 A. I think there have been</p> <p>17 articles on Bloomberg or Court News</p> <p>18 Reporter type articles, the Wall Street</p> <p>19 Journal.</p> <p>20 Q. Have you followed any of the</p> <p>21 developments through any blogs or other</p> <p>22 non-mainstream media?</p> <p>23 A. I don't recall. I might have</p> <p>24 seen a blog or two. I don't recall.</p> <p>25 Q. You referred -- you mentioned</p>	<p style="text-align: right;">Page 12</p> <p>1 L. GARR</p> <p>2 depends on the case.</p> <p>3 Q. And how often, let's take in</p> <p>4 2010, since leaving Mr. Donziger's</p> <p>5 employment in or about October 2010, so</p> <p>6 just from November and December 2010, do</p> <p>7 you recall generally how often you would</p> <p>8 access the articles and read them?</p> <p>9 A. I'm sorry, from November until</p> <p>10 the present day?</p> <p>11 Q. November 2010 and December</p> <p>12 2010, just those two.</p> <p>13 A. In those two months? Oh, I</p> <p>14 don't know.</p> <p>15 THE SPECIAL MASTER: Excuse me,</p> <p>16 I apologize. I have not read her previous</p> <p>17 testimony. It probably came up there.</p> <p>18 When exactly in October of 2010 did you</p> <p>19 leave the employ of Donziger & Associates?</p> <p>20 THE WITNESS: I don't know the</p> <p>21 exact date. I think it was the first week</p> <p>22 of October, but I'm not certain.</p> <p>23 THE SPECIAL MASTER: Thank you.</p> <p>24 Q. Ms. Garr, in 2011 how often did</p> <p>25 you access the articles that you received</p>
<p style="text-align: right;">Page 11</p> <p>1 L. GARR</p> <p>2 press releases. What did you mean by</p> <p>3 press releases?</p> <p>4 A. Press releases that have been</p> <p>5 in the news either posted by Chevron or by</p> <p>6 the plaintiffs.</p> <p>7 Q. How did you access or learn</p> <p>8 about the press releases posted by the</p> <p>9 representatives of the Lago Agrio</p> <p>10 plaintiffs or the plaintiffs themselves?</p> <p>11 A. I have had a Google alert on my</p> <p>12 computer since when I was working on the</p> <p>13 case that I still -- any article from the</p> <p>14 case generally I will get alerted to.</p> <p>15 Q. And how often has that happened</p> <p>16 since you left Mr. Donziger's employment</p> <p>17 in or about October 2010?</p> <p>18 A. That I've gotten an alert or</p> <p>19 that I have read the article?</p> <p>20 Q. That you have gotten an alert</p> <p>21 and then we will get to reading the</p> <p>22 article.</p> <p>23 A. It varies. Sometimes once</p> <p>24 every few months. Sometimes once every</p> <p>25 few weeks. Sometimes every few days. It</p>	<p style="text-align: right;">Page 13</p> <p>1 L. GARR</p> <p>2 Google alerts about relating to the Lago</p> <p>3 Agrio litigation?</p> <p>4 A. I don't know for sure. I would</p> <p>5 say a handful of times maybe.</p> <p>6 Q. And in 2012?</p> <p>7 A. Again, I would be guessing.</p> <p>8 I'm not quite sure.</p> <p>9 Q. When is the most recent time</p> <p>10 that you accessed an article or read an</p> <p>11 article relating to the Lago Agrio</p> <p>12 litigation in Ecuador?</p> <p>13 A. I think there was one recently.</p> <p>14 I'm sorry, I don't recall.</p> <p>15 Q. Have you followed Chevron's</p> <p>16 lawsuit against Mr. Donziger and others</p> <p>17 filed in the Southern District of New York</p> <p>18 through any means?</p> <p>19 A. I've only seen major news</p> <p>20 sources, again, that have covered it, but</p> <p>21 I have seen some articles that have talked</p> <p>22 about it.</p> <p>23 Q. And what newspapers or articles</p> <p>24 did you see relating to it, to the best of</p> <p>25 your recollection?</p>

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<p style="text-align: right;">Page 14</p> <p>1 L. GARR</p> <p>2 A. I don't recall the sources.</p> <p>3 Q. Do you remember the most recent</p> <p>4 time you read an article relating to</p> <p>5 Chevron's lawsuit against Mr. Donziger and</p> <p>6 others?</p> <p>7 A. I'm sorry, I don't. I don't</p> <p>8 recall.</p> <p>9 Q. Did you read the complaint that</p> <p>10 Chevron filed against Mr. Donziger?</p> <p>11 A. No.</p> <p>12 Q. The amended complaint, did you</p> <p>13 read that?</p> <p>14 A. No.</p> <p>15 Q. Did you read any of Judge</p> <p>16 Kaplan's published decisions relating</p> <p>17 to -- in connection with Chevron's lawsuit</p> <p>18 against Mr. Donziger and others?</p> <p>19 A. I don't believe so, no.</p> <p>20 Q. Did you read articles</p> <p>21 discussing Judge Kaplan's published</p> <p>22 decisions?</p> <p>23 A. I have, yes.</p> <p>24 Q. And putting aside articles and</p> <p>25 conversations with your counsel, have you</p>	<p style="text-align: right;">Page 16</p> <p>1 L. GARR</p> <p>2 after my first year of law school, and he</p> <p>3 came down on a few occasions during that</p> <p>4 summer.</p> <p>5 Q. And describe your relationship</p> <p>6 with him that summer.</p> <p>7 A. Friendly.</p> <p>8 Q. In early 2009 you worked for</p> <p>9 Mr. Donziger again, correct?</p> <p>10 A. Yes.</p> <p>11 Q. How would you describe your</p> <p>12 relationship with Mr. Donziger between the</p> <p>13 summer of 2007 and early 2009 when you</p> <p>14 worked for Mr. Donziger?</p> <p>15 A. I don't know if we had any</p> <p>16 contact. It might have been minimal</p> <p>17 contact. I don't recall if we even had</p> <p>18 any relationship whatsoever during that</p> <p>19 time.</p> <p>20 Q. In early 2009, describe your</p> <p>21 relationship with Mr. Donziger during that</p> <p>22 period when you worked for him.</p> <p>23 A. When I was in law school still,</p> <p>24 I did an externship in 2009 doing discrete</p> <p>25 projects. So I had some communication</p>
<p style="text-align: right;">Page 15</p> <p>1 L. GARR</p> <p>2 learned about developments relating to</p> <p>3 Chevron's lawsuit against Mr. Donziger and</p> <p>4 others in other ways?</p> <p>5 A. No.</p> <p>6 Q. Have you followed any</p> <p>7 developments in the Section 1782</p> <p>8 proceedings around the country?</p> <p>9 A. Again, just if it was in -- if</p> <p>10 it was referenced in a major news</p> <p>11 articles.</p> <p>12 Q. And, again, putting aside your</p> <p>13 conversations with counsel, did you learn</p> <p>14 about developments relating to the Section</p> <p>15 1782 proceedings through any other --</p> <p>16 through any person?</p> <p>17 A. No.</p> <p>18 Q. Describe the nature of your</p> <p>19 relationship with Mr. Donziger in 2007.</p> <p>20 A. In 2007 was the summer after my</p> <p>21 first year of law school, and I first met</p> <p>22 him interviewing to do an internship in</p> <p>23 Ecuador and I saw him on a few occasions</p> <p>24 when he came down to Ecuador, I was there</p> <p>25 interning for the ten weeks in that summer</p>	<p style="text-align: right;">Page 17</p> <p>1 L. GARR</p> <p>2 with him during that time, and it was,</p> <p>3 again, friendly.</p> <p>4 I'm sorry, I don't know how</p> <p>5 else to --</p> <p>6 Q. How many projects -- you said</p> <p>7 you did discrete projects for Mr. Donziger</p> <p>8 in early 2009 while you were in law</p> <p>9 school?</p> <p>10 A. Yes.</p> <p>11 Q. How many projects did you do</p> <p>12 for Mr. Donziger, to the best of your</p> <p>13 recollection?</p> <p>14 A. I don't recall. I know the</p> <p>15 externship had an hours requirement, but I</p> <p>16 don't recall what it was.</p> <p>17 Q. Do you have an approximate</p> <p>18 estimate of how many hours you worked for</p> <p>19 Mr. Donziger in early 2009 per week?</p> <p>20 A. Minimal. I mean, on a weekly</p> <p>21 basis it was maybe an hour or two, if</p> <p>22 that.</p> <p>23 Q. And you went to work for</p> <p>24 Mr. Donziger again starting in the fall of</p> <p>25 2009?</p>

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<p style="text-align: right;">Page 18</p> <p>1 L. GARR</p> <p>2 A. Yes, that is correct.</p> <p>3 Q. And how would you describe your</p> <p>4 relationship with Mr. Donziger between</p> <p>5 early 2009 when you were -- after you</p> <p>6 finished your externship with him and</p> <p>7 before you started working for him again</p> <p>8 in the fall of 2009?</p> <p>9 A. Can you -- maybe it would be</p> <p>10 more helpful, what do you mean like my</p> <p>11 relationship? Like my communication with</p> <p>12 him, if any?</p> <p>13 Q. Describe it generally. Were</p> <p>14 you friendly with him? Were you</p> <p>15 socializing with him? Was it a</p> <p>16 professional relationship?</p> <p>17 A. Yeah, when I said friendly, it</p> <p>18 was always a professional relationship,</p> <p>19 and no, we didn't socialize, usually,</p> <p>20 except if we were meeting to discuss work</p> <p>21 we might do it over iced tea and chopped</p> <p>22 salad generally.</p> <p>23 But otherwise I don't -- it</p> <p>24 was between, again, minimal, if any,</p> <p>25 contact probably until discussing my</p>	<p style="text-align: right;">Page 20</p> <p>1 L. GARR</p> <p>2 the kitchen space, and there was another</p> <p>3 room that was the living room. It was in</p> <p>4 his apartment. It was a two-bedroom</p> <p>5 apartment.</p> <p>6 Q. How many people worked on a</p> <p>7 daily basis in this space with you and</p> <p>8 Mr. Donziger?</p> <p>9 A. Andrew Woods was generally</p> <p>10 there as well.</p> <p>11 Q. Did each of you have computers?</p> <p>12 A. Yes, we had laptops.</p> <p>13 Q. And how was the equipment set</p> <p>14 up?</p> <p>15 A. Generally I sat on the seat</p> <p>16 closest to the kitchen and Andrew sat to</p> <p>17 the right of me and Steven sat across the</p> <p>18 table from me.</p> <p>19 Q. And did each of you have</p> <p>20 BlackBerries or other devices to</p> <p>21 communicate as part of Steven Donziger &</p> <p>22 Associates, or were they personal devices?</p> <p>23 A. They were personal devices. I</p> <p>24 mean, the laptops were the personal</p> <p>25 devices, and I don't recall when I had a</p>
<p style="text-align: right;">Page 19</p> <p>1 L. GARR</p> <p>2 deferral year with White & Case.</p> <p>3 Q. Between the fall of 2009 and in</p> <p>4 or about October 2010 when you worked for</p> <p>5 Mr. Donziger, describe your relationship.</p> <p>6 A. I worked, again -- throughout</p> <p>7 this time I was working on the litigation</p> <p>8 with Steven Donziger. During the 2009 to</p> <p>9 2010 time period I worked more closely</p> <p>10 with him at his home generally daily.</p> <p>11 So, again, a professional</p> <p>12 relationship, friendly relationship.</p> <p>13 Q. His home was located at 245</p> <p>14 West 104th Street at that time?</p> <p>15 A. Yes.</p> <p>16 Q. And when you say you worked at</p> <p>17 his home, what do you mean by that?</p> <p>18 A. We worked at his kitchen/dining</p> <p>19 room table.</p> <p>20 Q. Describe to the best you can</p> <p>21 how it was set up. Was that an office of</p> <p>22 Mr. Donziger?</p> <p>23 A. It was a kitchen/dining room.</p> <p>24 So it was a long, like dining room table</p> <p>25 outside the kitchen, or right in front of</p>	<p style="text-align: right;">Page 21</p> <p>1 L. GARR</p> <p>2 laptop, but it was my own personal device.</p> <p>3 Q. What about cell phones, were</p> <p>4 cell phones given as part of employment</p> <p>5 for Steven Donziger & Associates or did</p> <p>6 each person have their own personal phone?</p> <p>7 A. No, there were no devices of</p> <p>8 any kind given by Steven.</p> <p>9 Q. During the year between,</p> <p>10 roughly, between the fall of 2009 and</p> <p>11 October -- withdrawn.</p> <p>12 Approximately when did you</p> <p>13 start in the fall of 2009?</p> <p>14 A. The end of August, I believe.</p> <p>15 Q. Between the end of August 2009</p> <p>16 and October 2009, how often were you</p> <p>17 working in Mr. Donziger's apartment?</p> <p>18 A. Throughout most of that</p> <p>19 year-plus time period, almost five days a</p> <p>20 week would be in his kitchen, in his</p> <p>21 apartment.</p> <p>22 Q. Mr. Woods was there with you</p> <p>23 during that period of time as well?</p> <p>24 A. Yes.</p> <p>25 Q. Mr. Donziger, how often was he</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 L. GARR</p> <p>2 present in his apartment during that</p> <p>3 period of time between August 2009 and</p> <p>4 October 2010, approximately?</p> <p>5 A. Again, there would be days</p> <p>6 where we would not be there or people</p> <p>7 would be traveling, but usually at some</p> <p>8 point if he was in New York at some point</p> <p>9 every day, if we were at the apartment, he</p> <p>10 would be there at some point during that</p> <p>11 day.</p> <p>12 Q. And Mr. Donziger conducted</p> <p>13 business relating to Lago Agrio litigation</p> <p>14 in your presence?</p> <p>15 A. Yes.</p> <p>16 Q. Did he use the phone</p> <p>17 frequently?</p> <p>18 A. Yes.</p> <p>19 Q. You were present during the</p> <p>20 conversations Mr. Donziger had with others</p> <p>21 using the phone?</p> <p>22 A. Some.</p> <p>23 Q. Did Mr. Donziger have a</p> <p>24 practice of leaving the room when he was</p> <p>25 speaking to other people relating to the</p>	<p style="text-align: right;">Page 24</p> <p>1 L. GARR</p> <p>2 Q. What didn't you admire about</p> <p>3 him?</p> <p>4 MR. GOMEZ: Objection,</p> <p>5 relevance.</p> <p>6 THE SPECIAL MASTER: I will</p> <p>7 sustain that. I want to just get some</p> <p>8 basic material that probably came out in</p> <p>9 your first deposition. I'm sorry, I</p> <p>10 didn't read it.</p> <p>11 As I hear your testimony, you</p> <p>12 were deferred a year by White & Case,</p> <p>13 right?</p> <p>14 THE WITNESS: Yes.</p> <p>15 THE SPECIAL MASTER: And you</p> <p>16 spent that year working for Mr. Donziger,</p> <p>17 correct?</p> <p>18 THE WITNESS: Well, I worked</p> <p>19 with the Amazon Defense Coalition the</p> <p>20 summer, my summer after first year of law</p> <p>21 school, and Selva Viva is the Ecuadorian</p> <p>22 branch of it, and that's who I worked for,</p> <p>23 again, when I externed.</p> <p>24 And when I did the deferral</p> <p>25 year, it was again with that organization,</p>
<p style="text-align: right;">Page 23</p> <p>1 L. GARR</p> <p>2 Lago Agrio litigation when you were in</p> <p>3 that room or did he speak about it in</p> <p>4 front of you?</p> <p>5 A. Both. Sometimes he would walk</p> <p>6 away. Sometimes he would be there.</p> <p>7 Q. Did you have access to his</p> <p>8 computer when you were working for him</p> <p>9 between August 2009 and October 2010?</p> <p>10 A. If we were working together, I</p> <p>11 would sometimes go over to his computer to</p> <p>12 help edit a document or something with</p> <p>13 him. But generally I didn't have</p> <p>14 independent access if he was not there,</p> <p>15 no.</p> <p>16 Q. Did you consider Mr. Donziger a</p> <p>17 mentor in the period of August 2009 and</p> <p>18 October 2010?</p> <p>19 A. He was senior to me, obviously,</p> <p>20 and I did work under him in part. I guess</p> <p>21 so, yes, in some ways.</p> <p>22 Q. Did you admire him?</p> <p>23 A. In some respects, yes.</p> <p>24 Q. In other respects no?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 L. GARR</p> <p>2 but Steven Donziger was the U.S.</p> <p>3 supervisor of the project.</p> <p>4 THE SPECIAL MASTER: And were</p> <p>5 you an employee of Steven Donziger &</p> <p>6 Associates?</p> <p>7 THE WITNESS: Until the very</p> <p>8 end, August of 2010, the last two months,</p> <p>9 I stayed on working for him and then was</p> <p>10 paid from him to stay on longer than the</p> <p>11 year.</p> <p>12 But prior to that time it</p> <p>13 was -- he was -- I was deferred from White</p> <p>14 & Case and working just generally on the</p> <p>15 litigation where he was the supervisor.</p> <p>16 THE SPECIAL MASTER: And when</p> <p>17 did you become a member of the bar?</p> <p>18 THE WITNESS: In May 2010.</p> <p>19 THE SPECIAL MASTER: You</p> <p>20 described Mr. Woods. Was he there the</p> <p>21 entire time you were there?</p> <p>22 THE WITNESS: Yes.</p> <p>23 THE SPECIAL MASTER: Working</p> <p>24 for Mr. Donziger?</p> <p>25 THE WITNESS: Yes.</p>

7 (Pages 22 - 25)

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1 L. GARR
2 THE SPECIAL MASTER: As an
3 employee?
4 THE WITNESS: Yes, I believe
5 so.
6 THE SPECIAL MASTER: And you
7 described the fact that you had a laptop,
8 right?
9 THE WITNESS: Yes.
10 THE SPECIAL MASTER: Did you
11 have more than one?
12 THE WITNESS: No.
13 THE SPECIAL MASTER: What about
14 Mr. Woods, did he have more than one
15 laptop?
16 THE WITNESS: Not that I'm
17 aware of, no.
18 THE SPECIAL MASTER: Mr.
19 Donziger, did he have a laptop or desktop,
20 or both?
21 THE WITNESS: I think it was a
22 laptop, but I don't recall now. It might
23 have been a full computer. I don't
24 recall.
25 THE SPECIAL MASTER: Now I'm

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1 L. GARR
2 going to display some ignorance.
3 Mr. Page, when did he join?
4 THE WITNESS: He did not -- he
5 worked kind of on and off. He would help
6 out on occasion. But he didn't work daily
7 at all and I don't know exactly when he
8 got involved.
9 THE SPECIAL MASTER: And in the
10 time you were there, were there interns at
11 various times, that is there working for
12 Mr. Donziger in his apartment?
13 THE WITNESS: No one was --
14 there were interns I believe during that
15 time, but never with us in the apartment.
16 THE SPECIAL MASTER: Where did
17 they work?
18 THE WITNESS: I think they
19 would just do discrete projects and they
20 would do them from their university or
21 wherever they were independently.
22 THE SPECIAL MASTER: Did you
23 come to know any of them?
24 THE WITNESS: I usually would
25 receive the resumés, and I've met I think

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1 L. GARR
2 one or two people at some point, I think,
3 but I didn't work closely with any of
4 them.
5 THE SPECIAL MASTER: Sorry to
6 interrupt. Go ahead.
7 BY MR. BRODSKY:
8 Q. Did Mr. Donziger have one phone
9 or more than one phone?
10 A. He had a cell phone and there
11 was a landline.
12 Q. And Mr. Donziger had one cell
13 phone or more than one cell phone during
14 the time you worked closely with him
15 between August 2009 and October 2010?
16 A. I believe only one cell phone.
17 Q. And do you know whether he had
18 one e-mail address or more than one e-mail
19 address during that period of time?
20 A. I don't recall.
21 Q. Do you recall what e-mail
22 address he used during that period of
23 time?
24 A. I think it was Gmail, but I'm
25 not sure. I don't recall, I'm sorry.

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1 L. GARR
2 Q. Are you familiar with any other
3 e-mail addresses that Mr. Donziger used?
4 A. Similar to me, I had a Donziger
5 & Associate address, but it just was
6 forwarded directly to my Gmail account.
7 So I think he had the same situation, but
8 I don't recall now.
9 So I only accessed my Gmail
10 account but I had -- I mean, it was two
11 e-mail addresses, I guess, but it was only
12 accessed from Gmail.
13 Q. Do you know if Mr. Donziger
14 prior to August 2009 used any other e-mail
15 addresses?
16 A. I don't remember. I don't
17 recall. It would auto-populate.
18 Q. Between August 2009 and October
19 2010, describe Mr. Donziger's role in
20 connection with the Lago Agrio litigation
21 in Ecuador.
22 A. Mr. Donziger was a -- he would
23 do U.S. press-related activities and
24 coordinated with local counsel and counsel
25 in the U.S. and oversaw various

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 L. GARR</p> <p>2 litigation.</p> <p>3 Q. What do you mean by "oversaw</p> <p>4 various litigation"?</p> <p>5 A. Would attend meetings with</p> <p>6 counsel regarding litigation or meet for</p> <p>7 press activities or for public awareness</p> <p>8 or NGOs, coordinated.</p> <p>9 Q. You used the word "oversaw."</p> <p>10 What did you mean by "oversaw the various</p> <p>11 litigation"?</p> <p>12 A. If there were strategy meetings</p> <p>13 or -- he didn't generally -- he didn't</p> <p>14 draft actual motions, but he would review</p> <p>15 motions or other, you know, court</p> <p>16 submissions.</p> <p>17 Q. Is it fair to say he was in</p> <p>18 charge of strategy?</p> <p>19 A. He collaborated on the</p> <p>20 strategy.</p> <p>21 Q. And did he direct others to</p> <p>22 prepare motions?</p> <p>23 A. Generally -- well, in Ecuador</p> <p>24 he didn't -- I don't think he day to day</p> <p>25 directed what motions were filed. I did</p>	<p style="text-align: right;">Page 32</p> <p>1 L. GARR</p> <p>2 your participation?</p> <p>3 MR. GOMEZ: Objection to form.</p> <p>4 THE SPECIAL MASTER: You may</p> <p>5 answer.</p> <p>6 A. Yes.</p> <p>7 Q. Is it fair to say that</p> <p>8 Mr. Donziger communicated with the</p> <p>9 representatives of the Lago Agrio</p> <p>10 plaintiffs in Ecuador without your</p> <p>11 participation?</p> <p>12 A. It is possible. I mean, it is</p> <p>13 possible, yes.</p> <p>14 Q. Did you overhear Mr. Donziger</p> <p>15 speaking, during the period of time of</p> <p>16 August 2009 through October 2010, did you</p> <p>17 overhear Mr. Donziger speaking with</p> <p>18 Mr. Fajardo?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall those</p> <p>21 conversations?</p> <p>22 A. I mean, no distinct</p> <p>23 conversation stands out, but I recall that</p> <p>24 he would have conversations with</p> <p>25 Mr. Fajardo either by phone or in person.</p>
<p style="text-align: right;">Page 31</p> <p>1 L. GARR</p> <p>2 not witness that.</p> <p>3 In the U.S., I think it was</p> <p>4 just the major motions that were going to</p> <p>5 be filed he would kind of discuss. It</p> <p>6 wasn't every motion that was filed, I</p> <p>7 don't think he saw or directed.</p> <p>8 Q. Going to your -- what's the</p> <p>9 basis of your knowledge about</p> <p>10 Mr. Donziger's -- withdrawn.</p> <p>11 How often did you observe</p> <p>12 Mr. Donziger interact with the Ecuadorian</p> <p>13 representatives of the Lago Agrio</p> <p>14 plaintiffs between August 2009 and October</p> <p>15 2010?</p> <p>16 A. How frequently did he interact</p> <p>17 with them?</p> <p>18 Q. How frequently did you observe</p> <p>19 him interacting with them?</p> <p>20 A. It varied. I don't know. With</p> <p>21 some frequency.</p> <p>22 Q. Is it fair to say there were</p> <p>23 many occasions where Mr. Donziger</p> <p>24 interacted with the representatives of the</p> <p>25 Lago Agrio plaintiffs in Ecuador without</p>	<p style="text-align: right;">Page 33</p> <p>1 L. GARR</p> <p>2 Q. And did you listen to -- at the</p> <p>3 time did you listen to the entire</p> <p>4 conversations, all the conversations they</p> <p>5 were having, when you were present and you</p> <p>6 overheard Mr. Donziger speaking with</p> <p>7 Mr. Fajardo, did you listen to the entire</p> <p>8 conversation?</p> <p>9 A. I mean, not always, no.</p> <p>10 Generally if it was a phone conversation,</p> <p>11 I would be working. I was not listening,</p> <p>12 but I was aware he was on the phone.</p> <p>13 Q. The same question with respect</p> <p>14 to Mr. Prieto, were you present when</p> <p>15 Mr. Donziger spoke to Mr. Prieto by phone?</p> <p>16 A. On some occasions, I'm sure.</p> <p>17 Q. Did you listen to the entire</p> <p>18 conversation when Mr. Donziger was</p> <p>19 speaking to Mr. Prieto?</p> <p>20 A. By phone, it is very unlikely</p> <p>21 that I would have listened to the entire</p> <p>22 conversation.</p> <p>23 Q. And between August 2009 and</p> <p>24 October 2010, were you present when</p> <p>25 Mr. Donziger spoke by telephone with Luis</p>

<p style="text-align: right;">Page 34</p> <p>1 L. GARR</p> <p>2 Yanza?</p> <p>3 A. I don't recall a specific</p> <p>4 conversation, but I'm sure I was present</p> <p>5 at some time that he spoke with Luis Yanza</p> <p>6 by phone.</p> <p>7 Q. And were you able to listen to</p> <p>8 the entire -- all the conversation, the</p> <p>9 entire conversation when Mr. Donziger</p> <p>10 spoke to Mr. Yanza?</p> <p>11 A. No.</p> <p>12 Q. And with Mr. Juan Pablo Saenz,</p> <p>13 were you present when Mr. Donziger spoke</p> <p>14 to Mr. Saenz by telephone?</p> <p>15 A. I'm sure, again, I was present</p> <p>16 for a phone call, a phone call throughout</p> <p>17 that time where they spoke.</p> <p>18 Q. And were you able to listen to</p> <p>19 the entire conversation that they were</p> <p>20 having when you were present?</p> <p>21 A. Again, I don't know. I don't</p> <p>22 know.</p> <p>23 Q. Did Mr. Donziger during the</p> <p>24 period between August 2009 and October</p> <p>25 2010 take trips to Ecuador without you?</p>	<p style="text-align: right;">Page 36</p> <p>1 L. GARR</p> <p>2 motions, and also I don't think he was</p> <p>3 aware -- I recall there were many</p> <p>4 occurring at the same time.</p> <p>5 I don't think he was -- I think</p> <p>6 he kind of overall was part of some</p> <p>7 strategy discussions, but then was not</p> <p>8 really day to day involved with the actual</p> <p>9 motions is what I observed.</p> <p>10 Q. Based on your observations, do</p> <p>11 you know whether or not Mr. Donziger was</p> <p>12 involved in the hiring of these firms, of</p> <p>13 these law firms?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. Mr. Donziger was the one who</p> <p>16 was making the decision to select which</p> <p>17 U.S. law firm would represent the</p> <p>18 Ecuadorian Lago Agrio plaintiffs in</p> <p>19 various actions in the U.S.?</p> <p>20 A. I wasn't involved in the</p> <p>21 process of hiring, but I believe Steven</p> <p>22 was, I think so, but I don't know. But I</p> <p>23 believe so.</p> <p>24 Q. Based on your observations</p> <p>25 between August 2009 and October 2010, was</p>
<p style="text-align: right;">Page 35</p> <p>1 L. GARR</p> <p>2 A. Yes, I believe so, yes.</p> <p>3 Q. During the time that</p> <p>4 Mr. Donziger was in Ecuador without you,</p> <p>5 were you able to -- you weren't able to</p> <p>6 observe whatever he was doing?</p> <p>7 A. No.</p> <p>8 Q. Is it fair to say between</p> <p>9 August 2009 and October 2010 Mr. Donziger</p> <p>10 was in charge of litigation strategy</p> <p>11 relating to -- based on your</p> <p>12 observations -- relating to the Section</p> <p>13 1782 proceedings?</p> <p>14 A. I wouldn't say he was in</p> <p>15 charge. I think he -- I think he was</p> <p>16 always -- no, I wouldn't -- no.</p> <p>17 Q. You think he was always</p> <p>18 involved in the strategy meetings?</p> <p>19 A. I think he was generally</p> <p>20 involved in major strategy meetings, but I</p> <p>21 never observed him -- I think he was -- it</p> <p>22 was -- I think he relied -- he didn't do</p> <p>23 the actual legal work.</p> <p>24 Q. He didn't draft the motions?</p> <p>25 A. Yes, he didn't draft the</p>	<p style="text-align: right;">Page 37</p> <p>1 L. GARR</p> <p>2 Mr. Donziger -- what was Mr. Donziger's</p> <p>3 role in raising funds to hire lawyers and</p> <p>4 pursue the litigation in Ecuador?</p> <p>5 A. Again, that wasn't an aspect I</p> <p>6 worked on ever, so I didn't witness it,</p> <p>7 but I believe he was active in seeking</p> <p>8 fundraising.</p> <p>9 Q. What is the basis for your view</p> <p>10 that -- for your statement that he was</p> <p>11 actively seeking fundraising?</p> <p>12 A. I was aware if he would be</p> <p>13 going to attend meetings that I believe</p> <p>14 were to either seek law firms to get</p> <p>15 involved or potential fundraising, but I</p> <p>16 didn't -- I didn't ever attend the</p> <p>17 meetings and didn't always know exactly --</p> <p>18 I guess it was assumption, sometimes, or</p> <p>19 maybe I was told I'm going to a meeting to</p> <p>20 see if we can get this firm involved, but</p> <p>21 I didn't really know anything beyond that.</p> <p>22 But that made me believe that</p> <p>23 he was actively seeking fundraising, or</p> <p>24 funds, or firms, to get involved.</p> <p>25 Q. Who, if anyone, worked with</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 38</p> <p>1 L. GARR</p> <p>2 Mr. Donziger in raising funds based on</p> <p>3 your observations between August 2009 and</p> <p>4 October 2010?</p> <p>5 A. I think Andrew might have,</p> <p>6 Andrew Woods might have, and H5 was</p> <p>7 involved at one point, but, again, I'm not</p> <p>8 sure exactly if they assisted in that.</p> <p>9 Otherwise I don't -- I don't know.</p> <p>10 Q. What's your basis for</p> <p>11 Mr. Woods' involvement in helping</p> <p>12 Mr. Donziger raise funds?</p> <p>13 A. I don't know that he did.</p> <p>14 There would be times that he would attend</p> <p>15 meetings with Steven that I -- maybe, and,</p> <p>16 again, I'm not entirely sure, I think it</p> <p>17 was either with law firms, so that's more</p> <p>18 of an assumption on my part. I'm not</p> <p>19 entirely sure.</p> <p>20 Q. Did Mr. Donziger ever invite</p> <p>21 you to attend a meeting in connection with</p> <p>22 raising funds?</p> <p>23 A. No, not that I recall.</p> <p>24 Q. Did you ever attend, regardless</p> <p>25 of whether you were invited or not, did</p>	<p style="text-align: right;">Page 40</p> <p>1 L. GARR</p> <p>2 frequency of your communications with</p> <p>3 representatives of the Lago Agrio</p> <p>4 plaintiffs in Ecuador between August 2009</p> <p>5 and October 2010.</p> <p>6 A. I'm sorry?</p> <p>7 Q. Describe the frequency of your</p> <p>8 communication with the representatives of</p> <p>9 the Lago Agrio plaintiffs in Ecuador</p> <p>10 between August 2009 and October 2010.</p> <p>11 A. When you say the</p> <p>12 representatives of the plaintiffs, I'm</p> <p>13 sorry?</p> <p>14 Q. Describe the frequency of your</p> <p>15 communication with Mr. Pablo Fajardo</p> <p>16 between August 2009 and October 2010.</p> <p>17 A. I would on occasion go down to</p> <p>18 Ecuador, and when I was there I would</p> <p>19 speak with Pablo Fajardo. I believe</p> <p>20 during that year there would be a few</p> <p>21 e-mail correspondence as well, but minimal</p> <p>22 e-mail correspondence probably with</p> <p>23 Mr. Fajardo. I didn't work a lot directly</p> <p>24 with him.</p> <p>25 Q. Did Mr. Donziger make any</p>
<p style="text-align: right;">Page 39</p> <p>1 L. GARR</p> <p>2 you ever attend a meeting where</p> <p>3 Mr. Donziger was raising funds?</p> <p>4 A. No, not that I recall, no.</p> <p>5 Q. Did Mr. Woods ever invite you</p> <p>6 to meetings to raise money between --</p> <p>7 A. No. I'm sorry.</p> <p>8 Q. -- when you worked for</p> <p>9 Mr. Donziger?</p> <p>10 A. No.</p> <p>11 Q. Did you report to Mr. Woods</p> <p>12 during August 2009 and October 2010?</p> <p>13 A. I guess on some occasions. We</p> <p>14 worked together but he -- he had been</p> <p>15 working longer than I had, so in some</p> <p>16 instances I guess, yes.</p> <p>17 Q. Were there instances where</p> <p>18 Mr. Woods directed you to do things?</p> <p>19 A. I guess. I don't really recall</p> <p>20 now. I think there were probably.</p> <p>21 Q. And Mr. Page, were there</p> <p>22 instances where Mr. Page directed you to</p> <p>23 do things?</p> <p>24 A. I don't recall.</p> <p>25 Q. What was -- describe the</p>	<p style="text-align: right;">Page 41</p> <p>1 L. GARR</p> <p>2 statements to you about his financial</p> <p>3 interest in the litigation in Lago Agrio?</p> <p>4 A. I don't recall any specific</p> <p>5 statements, no.</p> <p>6 Q. Do you recall any general</p> <p>7 statements?</p> <p>8 A. I'm not sure if it was from</p> <p>9 him.</p> <p>10 THE SPECIAL MASTER: Excuse me,</p> <p>11 Mr. Brodsky, you have a contract. You</p> <p>12 have 1782 testimony from the horse's</p> <p>13 mouth. Why do we need to sit here and</p> <p>14 listen to these generalities? Can we get</p> <p>15 to things that are relevant to me, for</p> <p>16 example, because I have an obligation to</p> <p>17 go through the documents at the judge's</p> <p>18 order, so why don't we get to specifics</p> <p>19 instead of these, you know, generalities,</p> <p>20 tell me roughly what you did.</p> <p>21 MR. BRODSKY: Understood.</p> <p>22 THE SPECIAL MASTER: Please.</p> <p>23 They are your seven hours. You can spend</p> <p>24 them how you want. If you want to spend</p> <p>25 them with generalities like that, I think</p>

11 (Pages 38 - 41)

<p style="text-align: right;">Page 42</p> <p>1 L. GARR</p> <p>2 I could go do something better with my</p> <p>3 time.</p> <p>4 MR. BRODSKY: Understood.</p> <p>5 Q. Ms. Garr, let me direct your</p> <p>6 attention to the Aguinda versus Chevron</p> <p>7 case.</p> <p>8 Did you have any -- did you</p> <p>9 know who -- did you meet any of the</p> <p>10 plaintiffs in the Lago Agrio case in</p> <p>11 Ecuador?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. In between the period of August</p> <p>14 2009 and October 2010 did you meet with</p> <p>15 any of them in person?</p> <p>16 A. I don't recall if I did during</p> <p>17 that time.</p> <p>18 Q. Let me direct your attention to</p> <p>19 Richard Stalin Cabrera Vega. Who is</p> <p>20 Mr. Cabrera?</p> <p>21 A. My understanding is that he was</p> <p>22 the global assessment expert in the</p> <p>23 litigation in Ecuador.</p> <p>24 Q. What is that understanding</p> <p>25 based on?</p>	<p style="text-align: right;">Page 44</p> <p>1 L. GARR</p> <p>2 the global assessment expert.</p> <p>3 Q. Did Mr. Donziger talk to you</p> <p>4 about Mr. Cabrera between -- in 2009 and</p> <p>5 2010?</p> <p>6 A. Yes.</p> <p>7 Q. In early 2009 when you had an</p> <p>8 externship with Mr. Donziger, did he talk</p> <p>9 to you about Mr. Cabrera?</p> <p>10 A. No, not that I recall.</p> <p>11 Q. What's your earliest</p> <p>12 recollection of Mr. Donziger discussing</p> <p>13 Mr. Cabrera when you started working for</p> <p>14 him in August of 2009?</p> <p>15 A. I don't recall exactly when it</p> <p>16 was, but it was when the 1782 filing in</p> <p>17 Colorado took place, and, I'm sorry, and</p> <p>18 there were also -- I would see his name in</p> <p>19 various references to the damage report as</p> <p>20 well in documents, but no discussion</p> <p>21 really outside of that.</p> <p>22 Q. When you say his damage report,</p> <p>23 you mean --</p> <p>24 A. Mr. Cabrera.</p> <p>25 Q. Mr. Cabrera's report?</p>
<p style="text-align: right;">Page 43</p> <p>1 L. GARR</p> <p>2 A. From documents filed and also</p> <p>3 in 2007 I observed field inspections that</p> <p>4 he was taking at the time.</p> <p>5 Q. Did you ever meet him in</p> <p>6 person?</p> <p>7 A. I don't think I was ever</p> <p>8 introduced to him, but I observed him in</p> <p>9 the field, in person. I saw him.</p> <p>10 Q. Did Mr. Donziger talk to you</p> <p>11 about Mr. Cabrera in 2007 when you worked</p> <p>12 for him?</p> <p>13 A. I don't recall if there was</p> <p>14 discussion specifically about him, but I</p> <p>15 was aware of his role in the work that was</p> <p>16 being done at the time, that he was doing</p> <p>17 field inspections at the time.</p> <p>18 Q. When you say he was doing field</p> <p>19 inspections, you mean Mr. Cabrera?</p> <p>20 A. Yes, sorry.</p> <p>21 THE SPECIAL MASTER: And that</p> <p>22 was before he became the global expert,</p> <p>23 correct?</p> <p>24 THE WITNESS: I believe that</p> <p>25 was while he was performing his work as</p>	<p style="text-align: right;">Page 45</p> <p>1 L. GARR</p> <p>2 A. Yes.</p> <p>3 Q. His final report that was -- a</p> <p>4 final report submitted with the name</p> <p>5 Richard Stalin Cabrera Vega in Ecuador?</p> <p>6 A. Yes.</p> <p>7 Q. I'm going to show you Exhibit</p> <p>8 723. Let me show you Exhibit 723 and</p> <p>9 Exhibit 724. And we will distribute</p> <p>10 copies to everybody.</p> <p>11 (Plaintiff's Exhibit 723 marked</p> <p>12 for identification.)</p> <p>13 (Plaintiff's Exhibit 724 marked</p> <p>14 for identification.)</p> <p>15 Q. Ms. Garr, did you ever see</p> <p>16 Exhibit 723 -- well, let's start with the</p> <p>17 Spanish first.</p> <p>18 Did you ever see Exhibit 724</p> <p>19 before?</p> <p>20 A. If this is the actual Cabrera</p> <p>21 report, then I have. I don't fully</p> <p>22 recognize it completely now, but if this</p> <p>23 is, then I have, then yes.</p> <p>24 Q. When did you see the Cabrera</p> <p>25 report, or the report filed under</p>

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<p style="text-align: right;">Page 46</p> <p>1 L. GARR</p> <p>2 Cabrera's name, Exhibit 724?</p> <p>3 A. There was a copy of the English</p> <p>4 and Spanish version I believe posted on</p> <p>5 the website of the Lago Agrio plaintiffs.</p> <p>6 So for various reasons I would have seen</p> <p>7 this document.</p> <p>8 Q. In the period between -- when</p> <p>9 Mr. Donziger first mentioned Mr. Cabrera</p> <p>10 to you in connection with the 1782</p> <p>11 proceedings, did Mr. Donziger describe his</p> <p>12 relationship, if any, with Mr. Cabrera to</p> <p>13 you?</p> <p>14 A. In the first communication</p> <p>15 related to 1782?</p> <p>16 Q. The first time he brought it</p> <p>17 up.</p> <p>18 A. No.</p> <p>19 Q. At any point in time after he</p> <p>20 first brought it up through October 2010,</p> <p>21 did Mr. Donziger describe his interactions</p> <p>22 with Mr. Cabrera in the past?</p> <p>23 A. There were discussions about --</p> <p>24 there were discussions about documents</p> <p>25 that were given to Richard Cabrera,</p>	<p style="text-align: right;">Page 48</p> <p>1 L. GARR</p> <p>2 Q. At the time in August -- in</p> <p>3 2010 were you familiar with Stratus</p> <p>4 Consulting?</p> <p>5 A. Yes.</p> <p>6 Q. Did Mr. Donziger describe to</p> <p>7 you Stratus Consulting's role in</p> <p>8 connection with Mr. Cabrera's report, in</p> <p>9 the Cabrera report?</p> <p>10 A. Yes, in part, yes.</p> <p>11 Q. What did Mr. Donziger tell you?</p> <p>12 A. That Stratus Consulting was the</p> <p>13 one that drafted and prepared the</p> <p>14 materials that were submitted to</p> <p>15 Mr. Cabrera.</p> <p>16 Q. Did Mr. Donziger tell you that</p> <p>17 Stratus had written the report?</p> <p>18 A. I think it was portions of the</p> <p>19 report was my understanding of what was</p> <p>20 said, that there were portions of the</p> <p>21 report.</p> <p>22 Q. What's your earliest</p> <p>23 recollection of when Mr. Donziger told you</p> <p>24 this?</p> <p>25 A. I don't recall the exact date.</p>
<p style="text-align: right;">Page 47</p> <p>1 L. GARR</p> <p>2 although I don't think -- I don't recall</p> <p>3 him ever saying he was -- those were</p> <p>4 personal interactions he had with Cabrera,</p> <p>5 but it was the Lago Agrio team.</p> <p>6 Q. What do you remember</p> <p>7 Mr. Donziger saying about those</p> <p>8 interactions between the Lago Agrio team</p> <p>9 and Mr. Cabrera?</p> <p>10 A. That there were documents</p> <p>11 submitted to Mr. -- that the Lago Agrio</p> <p>12 plaintiffs did submit documents to</p> <p>13 Mr. Cabrera for use in the damages report,</p> <p>14 in the global assessment report.</p> <p>15 Q. What, if anything, did</p> <p>16 Mr. Donziger say regarding who on the Lago</p> <p>17 Agrio plaintiffs' team provided these</p> <p>18 documents to Mr. Cabrera?</p> <p>19 A. I don't recall personally -- I</p> <p>20 don't recall specifically who personally</p> <p>21 delivered, if I ever knew that.</p> <p>22 Q. Did Mr. Donziger ever tell you</p> <p>23 that Stratus Consulting -- are you</p> <p>24 familiar with Stratus Consulting?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 L. GARR</p> <p>2 It was after the 1782 filing. I don't</p> <p>3 know exactly when that was.</p> <p>4 Q. And when you reference a 1782</p> <p>5 filing, do you mean the action filed in</p> <p>6 the District of Colorado?</p> <p>7 A. Yes.</p> <p>8 Q. Was it shortly after the action</p> <p>9 was filed or months after the action was</p> <p>10 filed?</p> <p>11 A. I think it was -- I don't know</p> <p>12 if it was -- I don't recall. It was not</p> <p>13 immediately, but I don't recall exactly</p> <p>14 when.</p> <p>15 MS. PARADISE: Objection to</p> <p>16 form. Can you clarify what you mean by</p> <p>17 "the report"?</p> <p>18 THE SPECIAL MASTER: It is a</p> <p>19 little late, and there is no speaking</p> <p>20 objection.</p> <p>21 MS. PARADISE: I apologize.</p> <p>22 Q. Did Mr. Donziger tell you</p> <p>23 anything about the delivery of the Cabrera</p> <p>24 report to Mr. Cabrera on the day the</p> <p>25 report was filed?</p>

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<p style="text-align: right;">Page 50</p> <p>1 L. GARR</p> <p>2 A. I'm sorry, can you repeat that?</p> <p>3 Q. Did Mr. Donziger tell you that</p> <p>4 Stratus or -- withdrawn.</p> <p>5 Did Mr. Donziger tell you</p> <p>6 anything about the -- tell you anything</p> <p>7 that a report was given -- a document was</p> <p>8 given to Mr. Cabrera to be filed on the</p> <p>9 day the Cabrera report was filed?</p> <p>10 A. I don't recall anything that</p> <p>11 specific.</p> <p>12 Q. Did Mr. Donziger tell you</p> <p>13 anything about Stratus Consulting writing</p> <p>14 the report using the name of Richard</p> <p>15 Cabrera Vega in the report?</p> <p>16 MS. PARADISE: Objection to</p> <p>17 form.</p> <p>18 THE SPECIAL MASTER: You may</p> <p>19 answer.</p> <p>20 A. I don't know if it was</p> <p>21 Mr. Donziger who told me that. I do</p> <p>22 recall becoming aware that Stratus'</p> <p>23 written product included the name Richard</p> <p>24 Cabrera, I mean, was written using the</p> <p>25 name Richard Cabrera.</p>	<p style="text-align: right;">Page 52</p> <p>1 L. GARR</p> <p>2 how I learned that, so it is possible</p> <p>3 there were people present. I just don't</p> <p>4 remember that specific detail.</p> <p>5 Q. Did you have an understanding</p> <p>6 at the time in 2010 that the report filed</p> <p>7 under the name Richard Cabrera Vega</p> <p>8 purported to include all the names of</p> <p>9 people and experts who contributed to the</p> <p>10 report?</p> <p>11 A. I'm sorry, can you repeat the</p> <p>12 question?</p> <p>13 Q. Did you have an understanding</p> <p>14 in 2010 that the report filed under the</p> <p>15 name Richard Cabrera Vega, Exhibit 723,</p> <p>16 724 in Spanish, purported to list all the</p> <p>17 names of the experts and others who</p> <p>18 contributed to the report?</p> <p>19 A. I mean, I don't -- I don't</p> <p>20 recall if I had that understanding then.</p> <p>21 Q. Did you know whether or not</p> <p>22 Stratus Consulting's name appeared</p> <p>23 anywhere in the report filed under the</p> <p>24 name Richard Cabrera Vega?</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">Page 51</p> <p>1 L. GARR</p> <p>2 Q. How did you become aware of</p> <p>3 that?</p> <p>4 A. I don't recall. It might have</p> <p>5 been Steven. I don't recall.</p> <p>6 Q. Do you recall learning it from</p> <p>7 a person or seeing documents?</p> <p>8 A. Again, I don't recall. I don't</p> <p>9 know if it was the filings. I don't</p> <p>10 recall.</p> <p>11 THE SPECIAL MASTER: Excuse me,</p> <p>12 were you in Ecuador at or about April</p> <p>13 2008?</p> <p>14 THE WITNESS: No.</p> <p>15 Q. Did you speak to -- withdrawn.</p> <p>16 Were other people present when</p> <p>17 you learned that Stratus had written a</p> <p>18 report or portions of a report using the</p> <p>19 name Richard Cabrera Vega?</p> <p>20 MR. GOMEZ: Objection to form.</p> <p>21 MS. PARADISE: Objection to</p> <p>22 form.</p> <p>23 THE SPECIAL MASTER: You may</p> <p>24 answer. Overruled.</p> <p>25 A. I don't recall exactly when or</p>	<p style="text-align: right;">Page 53</p> <p>1 L. GARR</p> <p>2 Q. Did you know at the time?</p> <p>3 A. Not that I recall, no.</p> <p>4 Q. Do you recall any discussion</p> <p>5 about that?</p> <p>6 A. No.</p> <p>7 Q. Did you have conversations with</p> <p>8 Mr. Woods about the fact that Stratus</p> <p>9 Consulting had prepared portions of the</p> <p>10 Cabrera report using the name Richard</p> <p>11 Cabrera Vega?</p> <p>12 MS. PARADISE: Objection to</p> <p>13 form.</p> <p>14 A. I don't recall any specific</p> <p>15 conversations with Andrew about that</p> <p>16 detail and I don't recall specific</p> <p>17 discussions with him, but I know -- I</p> <p>18 recall there being discussions about the</p> <p>19 documents being submitted.</p> <p>20 I don't know about the name</p> <p>21 detail that you are speaking about, but</p> <p>22 just the documents being submitted.</p> <p>23 Q. Did you have an understanding</p> <p>24 that, in 2010, that Mr. Cabrera was</p> <p>25 supposed to be an independent expert?</p>

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<p style="text-align: right;">Page 54</p> <p>1 L. GARR</p> <p>2 A. Yes.</p> <p>3 Q. And he was supposed to be an</p> <p>4 impartial expert?</p> <p>5 A. I had an understanding that it</p> <p>6 was an independent court-appointed expert.</p> <p>7 Q. And did you have an</p> <p>8 understanding that he had to be impartial?</p> <p>9 A. I believe so, yes.</p> <p>10 Q. Did Mr. Donziger tell you that</p> <p>11 Stratus had written the Cabrera report?</p> <p>12 A. No. I mean, he never said</p> <p>13 that, but he did say that Stratus had</p> <p>14 prepared materials that were given to</p> <p>15 Cabrera for use in his report.</p> <p>16 Q. Did you take any trips to</p> <p>17 Ecuador in 2010 in connection with</p> <p>18 assisting Mr. Donziger in responding to</p> <p>19 Chevron's allegations in the 1782 action</p> <p>20 filed in the District of Colorado?</p> <p>21 A. Yes.</p> <p>22 Q. When was your first trip?</p> <p>23 A. I believe it was sometime in</p> <p>24 March of 2010.</p> <p>25 Q. Did you go alone or with other</p>	<p style="text-align: right;">Page 56</p> <p>1 L. GARR</p> <p>2 wasn't -- it was just to kind of -- no,</p> <p>3 not that I recall, no.</p> <p>4 Q. Did he tell you who you were</p> <p>5 going to be meeting with?</p> <p>6 A. No, but it was to go to the</p> <p>7 local -- to the Ecuadorian legal team to</p> <p>8 work with them.</p> <p>9 Q. And when you went there, who</p> <p>10 did you meet with and work with during</p> <p>11 that first trip to Ecuador in 2010?</p> <p>12 A. Julio Prieto and Juan Pablo</p> <p>13 Saenz, and I don't recall if Pablo Fajardo</p> <p>14 was there or not during that time. And</p> <p>15 then there was -- I don't recall the name.</p> <p>16 There is usually -- there is</p> <p>17 sometimes women working in the office as</p> <p>18 well and others that kind of help to pull</p> <p>19 court records, there is kind of like</p> <p>20 administrative help there.</p> <p>21 Q. Do you recall his or her name?</p> <p>22 A. I don't, I'm sorry.</p> <p>23 Q. Heredia, does the name Heredia</p> <p>24 sound familiar to you?</p> <p>25 A. I don't know, I'm sorry.</p>
<p style="text-align: right;">Page 55</p> <p>1 L. GARR</p> <p>2 people on that trip?</p> <p>3 A. I believe it was just me from</p> <p>4 the U.S. that went.</p> <p>5 Q. How long was your trip?</p> <p>6 A. I don't recall. Maybe a week.</p> <p>7 I don't recall.</p> <p>8 Q. Who told you to take that trip?</p> <p>9 A. Steven, and I don't know if</p> <p>10 there were other people that were</p> <p>11 involved, but Steven.</p> <p>12 Q. What did Mr. Donziger tell you</p> <p>13 the purpose of your trip was?</p> <p>14 A. I don't recall specifically</p> <p>15 what was stated at the time. I think just</p> <p>16 generally it was to go speak with a local</p> <p>17 team to find any court orders or other</p> <p>18 documentation from the Ecuadorian record</p> <p>19 related to the documents being provided to</p> <p>20 Cabrera.</p> <p>21 Q. In addition to looking at the</p> <p>22 court record, did he tell you that you</p> <p>23 were going to do anything else?</p> <p>24 A. No, although I don't know if</p> <p>25 was that specific either. I think there</p>	<p style="text-align: right;">Page 57</p> <p>1 L. GARR</p> <p>2 Q. And what did you do when you</p> <p>3 were in Ecuador?</p> <p>4 A. I worked -- I don't recall</p> <p>5 specifically if it was Juan Pablo or Julio</p> <p>6 or if there was somebody else, but going</p> <p>7 through the record related to that time</p> <p>8 period of when Cabrera -- when documents</p> <p>9 were being submitted to Cabrera and</p> <p>10 looking for court orders relevant to</p> <p>11 document submission.</p> <p>12 (Plaintiff's Exhibit 4207</p> <p>13 marked for identification.)</p> <p>14 Q. Let me show you what's marked</p> <p>15 as Exhibit 4207, a one-page document from</p> <p>16 Aaron Marr Page on March 3rd, 2010 to</p> <p>17 lauragarr@gmail.com, subject line, Re --</p> <p>18 THE SPECIAL MASTER: Excuse me,</p> <p>19 is this a document that was produced, is</p> <p>20 this one of the 150 documents?</p> <p>21 MR. BRODSKY: Yes.</p> <p>22 THE SPECIAL MASTER: Why don't</p> <p>23 we identify it. It has got the Bates</p> <p>24 stamp number GARR00064446.</p> <p>25 Q. Ms. Garr, do you recognize the</p>

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<p style="text-align: right;">Page 58</p> <p>1 L. GARR</p> <p>2 document?</p> <p>3 A. This is one of the ones that I</p> <p>4 had reviewed in preparation, so yes.</p> <p>5 Q. Do you recall exchanging --</p> <p>6 communicating with Mr. Page about your</p> <p>7 trip to Ecuador?</p> <p>8 A. I don't recall from then, but I</p> <p>9 see it now.</p> <p>10 Q. Does this refresh your</p> <p>11 recollection one way or the other -- let</p> <p>12 me direct your attention to Mr. Page's</p> <p>13 e-mail at the bottom where he says "Laura,</p> <p>14 if you are booking at Hotel Quito for you</p> <p>15 and Steven, can you get a room for me as</p> <p>16 well?"</p> <p>17 Do you see that?</p> <p>18 A. Uh-huh.</p> <p>19 Q. And then your response, "Room</p> <p>20 will be taken care of, see you tom," and</p> <p>21 then Mr. Page's response, "You on the same</p> <p>22 Delta flight? When is Steven getting in?"</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. Does this refresh your</p>	<p style="text-align: right;">Page 60</p> <p>1 L. GARR</p> <p>2 March?</p> <p>3 THE WITNESS: I think so. I</p> <p>4 don't recall, but I think so.</p> <p>5 Q. Let me show you Exhibit 4267.</p> <p>6 (Plaintiff's Exhibit 4267</p> <p>7 marked for identification.)</p> <p>8 THE SPECIAL MASTER: We are not</p> <p>9 using 879, we are doing something else</p> <p>10 first?</p> <p>11 MR. BRODSKY: Yes.</p> <p>12 THE SPECIAL MASTER: Okay.</p> <p>13 Q. Ms. Garr, I'm showing you a</p> <p>14 one-page document with a certified</p> <p>15 translation behind it. The one-page</p> <p>16 document at the top says Comprehensive</p> <p>17 Information System of the National Police</p> <p>18 of Ecuador, National Migration Office,</p> <p>19 Certificate of Border Crossing Activity,</p> <p>20 and report date states April 29, 2013.</p> <p>21 Directing your attention to the</p> <p>22 column where it says Date, Arrival In</p> <p>23 Quito, March 3rd, 2010, and Departure,</p> <p>24 March 9, 2010; do you see that?</p> <p>25 A. I do.</p>
<p style="text-align: right;">Page 59</p> <p>1 L. GARR</p> <p>2 recollection that Mr. Donziger was in</p> <p>3 Ecuador at the same time?</p> <p>4 A. No, I don't recall him being</p> <p>5 there. He might have been, but I don't</p> <p>6 recall.</p> <p>7 Q. And you don't recall any</p> <p>8 observations of Mr. Donziger during the</p> <p>9 time -- during this trip when you went to</p> <p>10 Ecuador?</p> <p>11 A. It is possible. I really just</p> <p>12 don't remember, I'm sorry.</p> <p>13 Q. Let me show you Exhibit 879.</p> <p>14 (Plaintiff's Exhibit 879 marked</p> <p>15 for identification.)</p> <p>16 THE SPECIAL MASTER: Excuse me,</p> <p>17 Ms. Garr, were you down there basically</p> <p>18 the entire month of March?</p> <p>19 THE WITNESS: No. I think I</p> <p>20 went on a few occasions, so this might be</p> <p>21 a different trip than the one I was</p> <p>22 thinking of of going through the court</p> <p>23 record.</p> <p>24 THE SPECIAL MASTER: You went</p> <p>25 on a few occasions during the month of</p>	<p style="text-align: right;">Page 61</p> <p>1 L. GARR</p> <p>2 Q. Does that refresh any</p> <p>3 recollection that you were in Quito,</p> <p>4 Ecuador from March 3rd through March 9th?</p> <p>5 MR. GOMEZ: Objection.</p> <p>6 A. I believe that to be true, yes.</p> <p>7 Q. To the best of your</p> <p>8 recollection, were you there approximately</p> <p>9 six days?</p> <p>10 A. It sounds about right.</p> <p>11 Q. Do you see --</p> <p>12 A. I'm sorry, I don't recall if</p> <p>13 this was when I was talking about a trip</p> <p>14 where I went through the court record. I</p> <p>15 don't know if it was during this time</p> <p>16 period.</p> <p>17 Q. You don't know if it was the</p> <p>18 first trip?</p> <p>19 A. Yeah.</p> <p>20 Q. Do you see where it says</p> <p>21 arrival, then, on March 17th, 2010 to</p> <p>22 Quito, departure, March 23rd, 2010?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall taking a second</p> <p>25 trip to Ecuador in March 2010?</p>

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<p style="text-align: right;">Page 62</p> <p>1 L. GARR</p> <p>2 A. Very vaguely, yes. I don't</p> <p>3 recall the exact, but yes.</p> <p>4 Q. Do you recall that the length</p> <p>5 of your second trip to Ecuador in March of</p> <p>6 2010 was approximately the same length as</p> <p>7 your first trip to Ecuador?</p> <p>8 A. I generally recall always it</p> <p>9 being around a week that I would be gone</p> <p>10 for.</p> <p>11 Q. And then directing your</p> <p>12 attention to April 12th, 2010, arrival in</p> <p>13 Quito and departure, April 15th, 2010, do</p> <p>14 you see that?</p> <p>15 A. Uh-huh, yes.</p> <p>16 Q. Did you take a trip to Ecuador,</p> <p>17 a third trip to Ecuador in April 2010?</p> <p>18 A. I believe, looking at this, I</p> <p>19 believe I did, but I don't recall</p> <p>20 specifically.</p> <p>21 Q. Do you recall sitting here</p> <p>22 today what the purpose of each of those</p> <p>23 trips was?</p> <p>24 A. I don't, not independently. I</p> <p>25 know one of the trips was to go through</p>	<p style="text-align: right;">Page 64</p> <p>1 L. GARR</p> <p>2 Q. Prior to seeing it in</p> <p>3 preparation, do you remember seeing this</p> <p>4 in or about March of 2010 or February of</p> <p>5 2010?</p> <p>6 A. I recall that Andrew had filed</p> <p>7 an affidavit during that time, yes.</p> <p>8 Q. Did you have any role in</p> <p>9 drafting the affidavit?</p> <p>10 A. Not that I recall, no.</p> <p>11 Q. Did you speak with Mr. Woods</p> <p>12 regarding this affidavit at the time?</p> <p>13 A. I recall when this was being --</p> <p>14 that he was doing an affidavit, so I'm</p> <p>15 sure we had some communication.</p> <p>16 Q. Did you speak with Mr. Woods</p> <p>17 regarding the purpose of filing this</p> <p>18 affidavit?</p> <p>19 MR. GOMEZ: Objection. I just</p> <p>20 instruct the witness to be mindful not to</p> <p>21 reveal any attorney work product,</p> <p>22 attorney-client communication.</p> <p>23 THE SPECIAL MASTER: Overruled.</p> <p>24 There are a great many waivers that are</p> <p>25 involved here. One of them is the one I</p>
<p style="text-align: right;">Page 63</p> <p>1 L. GARR</p> <p>2 the court record.</p> <p>3 Q. Sitting here today, you don't</p> <p>4 remember whether that was the first trip,</p> <p>5 the second trip or the third trip?</p> <p>6 A. I don't, I'm sorry.</p> <p>7 Q. Let me show you Exhibit 879.</p> <p>8 It is a four -- I'm sorry, it is a</p> <p>9 four-page document labeled In the United</p> <p>10 States District Court for the District of</p> <p>11 Colorado, Chevron, Petitioner, to Issue</p> <p>12 Subpoenas for the Taking of Depositions</p> <p>13 and the Production of Documents, Affidavit</p> <p>14 of Andrew Woods in Support of Motion for</p> <p>15 Leave to File Brief in Opposition to</p> <p>16 Chevron's 28 U.S.C. Section 1782 Petition.</p> <p>17 Do you see that?</p> <p>18 A. I'm sorry?</p> <p>19 Q. Do you see the document?</p> <p>20 A. Yes, I do, sorry.</p> <p>21 Q. Are you familiar with this</p> <p>22 document, the declaration, or affidavit of</p> <p>23 Andrew Woods?</p> <p>24 A. Yes, I saw this, again, in</p> <p>25 preparation for this.</p>	<p style="text-align: right;">Page 65</p> <p>1 L. GARR</p> <p>2 told you about and that I ruled on at the</p> <p>3 McDermott deposition, which is this</p> <p>4 subject, the Colorado proceeding and the</p> <p>5 Cabrera report were the subject of very</p> <p>6 substantial questioning of Mr. Donziger at</p> <p>7 which were present counsel -- three</p> <p>8 different ones for the Lago Agrio</p> <p>9 plaintiffs and counsel for Mr. Donziger,</p> <p>10 and throughout hours of testimony on the</p> <p>11 subject, not a single privilege objection</p> <p>12 was asserted, never mind ruled upon, and</p> <p>13 therefore as I ruled in the McDermott</p> <p>14 deposition, there was a waiver by the Lago</p> <p>15 Agrio plaintiffs and counsel with respect</p> <p>16 to work product as well as with respect to</p> <p>17 attorney-client communications, and</p> <p>18 therefore your privilege objection is</p> <p>19 overruled for that reason alone.</p> <p>20 It is also a subject of, as you</p> <p>21 know, one of the specifications of fraud</p> <p>22 ruled on by Judge Kaplan, that is the</p> <p>23 Cabrera report, the fraud in connection</p> <p>24 therewith, and the fraud upon the court in</p> <p>25 connection with the Colorado proceeding,</p>

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<p style="text-align: right;">Page 66</p> <p>1 L. GARR</p> <p>2 and with respect to those subjects,</p> <p>3 independently of the waiver, the court has</p> <p>4 ruled that the first branch of the</p> <p>5 crime-fraud exception has been met in that</p> <p>6 there is substantial reason to believe</p> <p>7 that a reasonable person would conclude</p> <p>8 there is probable cause that a fraud or</p> <p>9 crime was committed.</p> <p>10 The second branch is the one</p> <p>11 that falls to me to rule on the question</p> <p>12 whether a particular communication under</p> <p>13 the case law in the Second Circuit is in</p> <p>14 furtherance of the fraud, and I think it</p> <p>15 is fair to say that a communication</p> <p>16 submitted to the court in Colorado by</p> <p>17 Mr. Woods relating to Cabrera is in</p> <p>18 furtherance of both of the frauds</p> <p>19 specified by Judge Kaplan, that is the</p> <p>20 Cabrera fraud as well as the fraud upon</p> <p>21 the court.</p> <p>22 So your objection is overruled</p> <p>23 for that reason as well.</p> <p>24 You may answer the question.</p> <p>25 A. I'm sorry, can you repeat the</p>	<p style="text-align: right;">Page 68</p> <p>1 L. GARR</p> <p>2 this affidavit?</p> <p>3 A. I recall -- yeah, I recall him</p> <p>4 being concerned at some point after</p> <p>5 filing.</p> <p>6 Q. What did Mr. Woods tell you</p> <p>7 regarding his concerns?</p> <p>8 A. Again, I don't recall any</p> <p>9 specific conversation, but I recall there</p> <p>10 being something filed by Chevron saying</p> <p>11 that -- or an affidavit filed saying that</p> <p>12 there was something inaccurate about</p> <p>13 Ecuadorian law I believe in this -- that</p> <p>14 was in Andrew Woods' affidavit and him</p> <p>15 expressing concern that he filed an</p> <p>16 affidavit that would have inaccurate</p> <p>17 information in it, that he was relying on</p> <p>18 Ecuadorian counsel to provide Ecuadorian</p> <p>19 law, and if it was inaccurate, he was</p> <p>20 concerned about that.</p> <p>21 MR. GOMEZ: Excuse me, your</p> <p>22 Honor, should I continue to object just to</p> <p>23 preserve the record?</p> <p>24 THE SPECIAL MASTER: Yes, if</p> <p>25 you want to object --</p>
<p style="text-align: right;">Page 67</p> <p>1 L. GARR</p> <p>2 question?</p> <p>3 THE SPECIAL MASTER: The</p> <p>4 question was, did you speak with Mr. Woods</p> <p>5 regarding the purpose of filing this</p> <p>6 affidavit?</p> <p>7 THE WITNESS: I don't recall</p> <p>8 any specific conversations.</p> <p>9 Q. Do you recall a general</p> <p>10 conversation?</p> <p>11 A. Not really, no, I'm sorry.</p> <p>12 Q. Do you recall any conversation</p> <p>13 with Mr. Donziger about the filing of this</p> <p>14 affidavit?</p> <p>15 A. I don't recall any specific</p> <p>16 conversations.</p> <p>17 Q. Do you recall any general</p> <p>18 conversations with Mr. Donziger?</p> <p>19 A. No. But reading this now --</p> <p>20 no, I'm sorry, I don't recall any</p> <p>21 conversations.</p> <p>22 Q. Do you recall any conversations</p> <p>23 with Mr. Woods at any time after this</p> <p>24 affidavit was filed where Mr. Woods</p> <p>25 expressed concern regarding his filing of</p>	<p style="text-align: right;">Page 69</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: As opposed to a</p> <p>3 standing objection?</p> <p>4 THE SPECIAL MASTER: Yes.</p> <p>5 MR. GOMEZ: Okay. I understand</p> <p>6 your ruling and I'm sure likely it will</p> <p>7 apply, but just to preserve the record.</p> <p>8 THE SPECIAL MASTER: Are you</p> <p>9 objecting? The answer was given.</p> <p>10 MR. GOMEZ: Not yet. The</p> <p>11 answer was given. Going forward.</p> <p>12 Q. You spoke to Mr. Woods when he</p> <p>13 expressed this concern?</p> <p>14 A. I don't recall the specifics of</p> <p>15 the conversation, but I remember there</p> <p>16 being -- I believe it was maybe directed</p> <p>17 at Steven, but I was present, but I</p> <p>18 remember him voicing concern after an</p> <p>19 affidavit was filed saying his affidavit</p> <p>20 had inaccurate information.</p> <p>21 Q. You remember, was this in</p> <p>22 Mr. Donziger's apartment?</p> <p>23 A. I believe so, but I'm not</p> <p>24 entirely sure. I believe so.</p> <p>25 Q. Mr. Woods was expressing</p>

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<p style="text-align: right;">Page 70</p> <p>1 L. GARR</p> <p>2 concern regarding the accuracy of the</p> <p>3 affidavit to Mr. Donziger in your</p> <p>4 presence?</p> <p>5 MR. GOMEZ: Objection.</p> <p>6 THE SPECIAL MASTER: Overruled.</p> <p>7 A. I believe there was an</p> <p>8 affidavit or some filing where it was --</p> <p>9 there was an allegation or it was stated</p> <p>10 that there was -- Ecuadorian law, if I'm</p> <p>11 recalling correctly, that Ecuadorian law</p> <p>12 was misrepresented, so Andrew was</p> <p>13 expressing concern if that was true, then</p> <p>14 I was relying on Ecuadorian counsel to</p> <p>15 explain Ecuadorian law to me.</p> <p>16 It was not that -- he didn't</p> <p>17 know if his was inaccurate or not, it was</p> <p>18 the allegation that something under</p> <p>19 Ecuadorian law was improper, and he was</p> <p>20 saying I'm concerned because this went in</p> <p>21 under my name and I was relying on what I</p> <p>22 was told by Ecuadorian counsel about</p> <p>23 Ecuadorian law.</p> <p>24 Q. What did Mr. Donziger say in</p> <p>25 response?</p>	<p style="text-align: right;">Page 72</p> <p>1 L. GARR</p> <p>2 the affidavit, paragraph 10, it says "In</p> <p>3 order to oppose Chevron's petition,</p> <p>4 plaintiffs' attorney must obtain the bulk</p> <p>5 of their information from Ecuador,</p> <p>6 including possible travel to Ecuador."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have any conversation</p> <p>10 with Mr. Woods regarding that statement?</p> <p>11 MR. GOMEZ: Objection.</p> <p>12 A. Not that I recall.</p> <p>13 THE SPECIAL MASTER: Overruled.</p> <p>14 Is this a privilege objection?</p> <p>15 MR. GOMEZ: Yes.</p> <p>16 THE SPECIAL MASTER: All he</p> <p>17 asked was whether or not she had a</p> <p>18 conversation on a subject. Are you</p> <p>19 still --</p> <p>20 MR. GOMEZ: I will withdraw the</p> <p>21 objection.</p> <p>22 THE SPECIAL MASTER: That's</p> <p>23 what I thought. Move on.</p> <p>24 A. Not that I recall.</p> <p>25 Q. Did you have a conversation</p>
<p style="text-align: right;">Page 71</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection.</p> <p>3 THE SPECIAL MASTER: Overruled.</p> <p>4 A. Again, I don't recall</p> <p>5 specifically, but I believe it was then --</p> <p>6 there was an effort to again revisit the</p> <p>7 Ecuadorian law point to see if in fact the</p> <p>8 information was accurate.</p> <p>9 Q. Let me direct your attention to</p> <p>10 paragraph 9 of the affidavit of Mr. Woods</p> <p>11 where it said in the first sentence</p> <p>12 "Chevron had numerous opportunities to</p> <p>13 seek in Ecuador the same discovery it</p> <p>14 seeks in the United States. Likewise,</p> <p>15 Chevron had many opportunities and</p> <p>16 substantial time to seek information to</p> <p>17 impeach the credibility of the</p> <p>18 court-appointed expert in Ecuador, Richard</p> <p>19 Stalin Cabrera Vega."</p> <p>20 Do you recall whether that was</p> <p>21 of concern to Mr. Woods?</p> <p>22 MR. GOMEZ: Objection.</p> <p>23 THE SPECIAL MASTER: Overruled.</p> <p>24 A. Not that I recall.</p> <p>25 Q. If you look at the next page of</p>	<p style="text-align: right;">Page 73</p> <p>1 L. GARR</p> <p>2 with Mr. Donziger about that?</p> <p>3 A. No, not that I recall.</p> <p>4 Q. In the next paragraph, it says</p> <p>5 "The plaintiffs and their attorneys must</p> <p>6 conduct investigation in Ecuador, obtain</p> <p>7 affidavits from witnesses, wade through</p> <p>8 portions of the 200,000 page trial record</p> <p>9 and Ecuadorian statutes and rules in order</p> <p>10 to present the court with a thorough</p> <p>11 opposition."</p> <p>12 Do you see that?</p> <p>13 A. I do see that.</p> <p>14 Q. Did Mr. Donziger tell you that</p> <p>15 you were going to Ecuador to conduct an</p> <p>16 investigation?</p> <p>17 A. I don't recall that language,</p> <p>18 no.</p> <p>19 Q. Did you have an understanding</p> <p>20 that you were in Ecuador to conduct an</p> <p>21 investigation?</p> <p>22 A. I understood that I was to look</p> <p>23 into the court record to find any relevant</p> <p>24 court orders.</p> <p>25 Q. Did you understand -- did you</p>

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<p style="text-align: right;">Page 74</p> <p>1 L. GARR</p> <p>2 have any role -- did Mr. Donziger ask you</p> <p>3 to obtain affidavits from witnesses when</p> <p>4 you were there?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Are you aware of whether</p> <p>7 Mr. Donziger obtained any affidavits from</p> <p>8 witnesses while there in Ecuador?</p> <p>9 A. I don't recall. I believe</p> <p>10 affidavits were obtained related to the</p> <p>11 evidentiary period. I believe affidavits</p> <p>12 were obtained, I don't know if it was in</p> <p>13 Ecuador, but I believe there were</p> <p>14 affidavits obtained for purposes of the</p> <p>15 1782, but I don't recall now.</p> <p>16 Q. Do you see where it says "wade</p> <p>17 through portions of the 200,000 page trial</p> <p>18 record"?</p> <p>19 A. Yes.</p> <p>20 Q. Did you understand that that's</p> <p>21 what you were doing in Ecuador at some</p> <p>22 point between March and April 2010?</p> <p>23 A. I mean, I understood that I was</p> <p>24 looking into the trial record for the</p> <p>25 court orders.</p>	<p style="text-align: right;">Page 76</p> <p>1 L. GARR</p> <p>2 regarding his role as an expert?</p> <p>3 A. I believe I was looking at his</p> <p>4 request for documents to the court. I</p> <p>5 don't recall now specifically of like</p> <p>6 initial things about his role, but I think</p> <p>7 there was some included in the ones</p> <p>8 related to his --</p> <p>9 Q. Who, if anybody, directed you</p> <p>10 what to look for in the Ecuadorian record</p> <p>11 relating to Cabrera?</p> <p>12 A. Well, the Ecuadorian -- the</p> <p>13 Ecuadorian attorneys were the ones that</p> <p>14 had a knowledge of the trial record, so</p> <p>15 they were the ones that were specifically</p> <p>16 kind of pulling the files. I just</p> <p>17 reviewed them once they pulled them.</p> <p>18 Q. And were you looking for</p> <p>19 specific support for the notion that</p> <p>20 Stratus and others on behalf of the</p> <p>21 Ecuadorian Lago Agrio plaintiffs were</p> <p>22 permitted to provide information to</p> <p>23 Mr. Cabrera?</p> <p>24 MR. GOMEZ: Objection.</p> <p>25 THE SPECIAL MASTER: Overruled.</p>
<p style="text-align: right;">Page 75</p> <p>1 L. GARR</p> <p>2 Q. And how did you do that when</p> <p>3 you were down there?</p> <p>4 A. Worked with the local counsel</p> <p>5 there to go through the trial record and</p> <p>6 find the relevant portions, looking</p> <p>7 through -- they had copies of the record</p> <p>8 in a huge room of just the trial record,</p> <p>9 so it was trying to find the relevant</p> <p>10 dates and documents.</p> <p>11 Q. When you say they had copies of</p> <p>12 the trial record, who do you mean by</p> <p>13 "they"?</p> <p>14 A. The Ecuadorian lawyers there,</p> <p>15 so Julio and Juan Pablo and Pablo Fajardo,</p> <p>16 in the Quito office, they had copies of</p> <p>17 the trial record, hard copies.</p> <p>18 Q. Hard copies of the trial</p> <p>19 record?</p> <p>20 A. Hard copies of the trial</p> <p>21 record.</p> <p>22 Q. Did part of your job in going</p> <p>23 through, looking at the trial record,</p> <p>24 include obtaining Mr. Cabrera's statements</p> <p>25 in 2007 to the Lago Agrio Ecuadorian court</p>	<p style="text-align: right;">Page 77</p> <p>1 L. GARR</p> <p>2 A. It was, yes, that documents had</p> <p>3 been provided to Cabrera on behalf of the</p> <p>4 Lago Agrio plaintiffs and court rulings or</p> <p>5 Cabrera seeking that information and any</p> <p>6 court order that proved the submission of</p> <p>7 documents to Cabrera.</p> <p>8 Q. Did you come across statements</p> <p>9 Cabrera made relating to his role as an</p> <p>10 independent expert?</p> <p>11 A. I don't recall on that trip. I</p> <p>12 do recall seeing statements -- I do recall</p> <p>13 seeing statements that Cabrera had made to</p> <p>14 the court regarding his role, but I don't</p> <p>15 recall if it was during that time period,</p> <p>16 or I mean that visit.</p> <p>17 Q. The trial record that you went</p> <p>18 through in the Quito office of the Lago</p> <p>19 Agrio plaintiff lawyers, whose office was</p> <p>20 it again? Was it Pablo Fajardo's office?</p> <p>21 A. It is a building, it is kind of</p> <p>22 like a house kind of, so there is just</p> <p>23 many rooms in it and common areas, and</p> <p>24 within that is Julio Prieto, Juan Pablo</p> <p>25 Saenz, Pablo Fajardo all kind of have</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 L. GARR</p> <p>2 space in there.</p> <p>3 Q. And the trial record that was</p> <p>4 there, was that -- was it your</p> <p>5 understanding that was an exact duplicate</p> <p>6 copy of the court trial record in Lago</p> <p>7 Agrio?</p> <p>8 A. I believe so, although I think</p> <p>9 it was -- my understanding is that it is</p> <p>10 not fully complete, as in there is a delay</p> <p>11 from when the documents are actually</p> <p>12 physically copied and then brought to the</p> <p>13 office, so it was -- it might not have</p> <p>14 been the exact duplicate of the court</p> <p>15 record, but it was up until the point of</p> <p>16 the last time somebody made photocopies of</p> <p>17 the record.</p> <p>18 Q. Your understanding, it was a</p> <p>19 complete record up until the point where</p> <p>20 photocopies could be made of the last</p> <p>21 entries in the court record?</p> <p>22 A. Yes, or up until the time that</p> <p>23 somebody physically went and made the</p> <p>24 copies that might have been available for</p> <p>25 copy, but had not been done yet.</p>	<p style="text-align: right;">Page 80</p> <p>1 L. GARR</p> <p>2 gave to Mr. Gomez the complete transcript</p> <p>3 totaling some 6,000 pages electronically</p> <p>4 of the Donziger transcript and we also</p> <p>5 gave him a small sampling of the many</p> <p>6 hundreds of pages which we had identified</p> <p>7 as constituting some of the pages dealing</p> <p>8 with the subject matter as to which there</p> <p>9 was waiver.</p> <p>10 Fair statement, Mr. Gomez?</p> <p>11 MR. GOMEZ: Yes, fair</p> <p>12 statement.</p> <p>13 THE SPECIAL MASTER: Thank you.</p> <p>14 We are taking our break.</p> <p>15 THE VIDEOGRAPHER: We are going</p> <p>16 off the record. The time is 10:34 a.m.</p> <p>17 (Recess taken.)</p> <p>18 THE VIDEOGRAPHER: We are back</p> <p>19 on the record. The time is 10:55 a.m.</p> <p>20 This is the beginning of disk two.</p> <p>21 THE SPECIAL MASTER: Before you</p> <p>22 continue, I would like to ask a few</p> <p>23 clarifying questions for the court, and my</p> <p>24 order of appointment, Mr. Hille, permits</p> <p>25 me to ask questions of a witness as if I</p>
<p style="text-align: right;">Page 79</p> <p>1 L. GARR</p> <p>2 Q. Was this the same location in</p> <p>3 2007 that you worked in, the offices that</p> <p>4 you described with the trial record, that</p> <p>5 copy of the trial record, was that the</p> <p>6 same offices that you worked in in 2007?</p> <p>7 A. Yes.</p> <p>8 Q. Those are the offices of Selva</p> <p>9 Viva?</p> <p>10 A. Yes.</p> <p>11 Q. Same layout, same Julio Prieto,</p> <p>12 Juan Pablo Saenz, Pablo Fajardo there?</p> <p>13 A. Yes.</p> <p>14 MR. BRODSKY: Mr. Gitter, maybe</p> <p>15 this is a good time for the morning break.</p> <p>16 THE SPECIAL MASTER: Morning</p> <p>17 break, that is fine.</p> <p>18 Before we go off the record,</p> <p>19 however, I meant to say before when I was</p> <p>20 addressing Mr. Gomez's objection at some</p> <p>21 length, when I was addressing it at some</p> <p>22 length, I neglected to mention that at the</p> <p>23 McDermott deposition when I first raised</p> <p>24 this point about waiver by dint of</p> <p>25 Mr. Donziger's unobjected to testimony, we</p>	<p style="text-align: right;">Page 81</p> <p>1 L. GARR</p> <p>2 were a judge.</p> <p>3 MR. HILLE: Understood.</p> <p>4 THE SPECIAL MASTER: Ms. Garr,</p> <p>5 just a few additional questions.</p> <p>6 You described the layout of the</p> <p>7 offices down in Quito and that there was</p> <p>8 one room which was devoted to housing at</p> <p>9 least the court record. Were there also</p> <p>10 other rooms with other files relating to</p> <p>11 the litigation throughout?</p> <p>12 THE WITNESS: Yes.</p> <p>13 THE SPECIAL MASTER: And did</p> <p>14 you have access to those files when you</p> <p>15 were down there, not necessarily on that</p> <p>16 occasion, but generally when you went down</p> <p>17 there?</p> <p>18 THE WITNESS: I never -- I</p> <p>19 don't know. I think the other documents,</p> <p>20 I believe some of them were like in desk</p> <p>21 drawers of other people that worked there,</p> <p>22 so I don't know if they were locked or</p> <p>23 not. I didn't ever seek any documents</p> <p>24 elsewhere.</p> <p>25 THE SPECIAL MASTER: You never</p>

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 L. GARR</p> <p>2 sought any documents other than the court</p> <p>3 record in any of your travels down there?</p> <p>4 THE WITNESS: I always did</p> <p>5 obtain documents from people, but I</p> <p>6 didn't -- it was always given to me by</p> <p>7 people that worked there. So I don't know</p> <p>8 exactly where they were.</p> <p>9 THE SPECIAL MASTER: And did</p> <p>10 you bring some of those documents back to</p> <p>11 the United States?</p> <p>12 THE WITNESS: Usually they were</p> <p>13 scanned, whatever the relevant documents</p> <p>14 were, unless it was too large to scan,</p> <p>15 then there would be hard copies brought</p> <p>16 back.</p> <p>17 THE SPECIAL MASTER: And were</p> <p>18 some of the ones that were scanned sought</p> <p>19 back for use by local counsel in the</p> <p>20 various proceedings that were going on in</p> <p>21 the United States?</p> <p>22 THE WITNESS: I believe so,</p> <p>23 yes.</p> <p>24 THE SPECIAL MASTER: And did</p> <p>25 you experience any delays in getting such</p>	<p style="text-align: right;">Page 84</p> <p>1 L. GARR</p> <p>2 us from giving something to an American</p> <p>3 court, did you ever hear anything like</p> <p>4 that down there?</p> <p>5 THE WITNESS: Not that I have</p> <p>6 heard, although there was discussion about</p> <p>7 under Ecuadorian law a lot of the</p> <p>8 documents would not be discoverable.</p> <p>9 THE SPECIAL MASTER: And</p> <p>10 discoverable in Ecuador; what about in the</p> <p>11 United States?</p> <p>12 THE WITNESS: I don't recall if</p> <p>13 there were discussions about that.</p> <p>14 THE SPECIAL MASTER: But you</p> <p>15 sent back documents -- there were</p> <p>16 documents that were sent back for use in</p> <p>17 courts in the United States, correct?</p> <p>18 THE WITNESS: I'm not sure if</p> <p>19 they ended up in court, but I did send</p> <p>20 back documents, yes.</p> <p>21 THE SPECIAL MASTER: Thank you.</p> <p>22 MR. BRODSKY: Just for the</p> <p>23 record, Mr. Gitter, Andrea Neuman from</p> <p>24 Gibson Dunn joined us at the break on</p> <p>25 behalf of Chevron.</p>
<p style="text-align: right;">Page 83</p> <p>1 L. GARR</p> <p>2 documents?</p> <p>3 The reason for the question</p> <p>4 being that there is an allegation, and I'm</p> <p>5 supposed to do privilege rulings here,</p> <p>6 about delays. Did you experience any</p> <p>7 delays in getting documents that were</p> <p>8 wanted or needed by the lawyers in the</p> <p>9 United States for delivering to courts,</p> <p>10 for example?</p> <p>11 THE WITNESS: There was always</p> <p>12 a time lag of when documents were</p> <p>13 requested and if they were obtained it was</p> <p>14 always a lengthy, inefficient process I</p> <p>15 would say.</p> <p>16 THE SPECIAL MASTER: But apart</p> <p>17 from inefficiency, was there any</p> <p>18 deliberate delay to prevent it from going</p> <p>19 to the courts?</p> <p>20 THE WITNESS: Not that I'm</p> <p>21 aware of.</p> <p>22 THE SPECIAL MASTER: And was</p> <p>23 there anybody who ever said no, we are not</p> <p>24 going to give you these documents because</p> <p>25 there is some law in Ecuador that prevents</p>	<p style="text-align: right;">Page 85</p> <p>1 L. GARR</p> <p>2 BY MR. BRODSKY:</p> <p>3 Q. Let me show you, Ms. Garr,</p> <p>4 following up on Mr. Gitter's questions,</p> <p>5 Exhibit 4229.</p> <p>6 (Plaintiff's Exhibit 4229</p> <p>7 marked for identification.)</p> <p>8 Q. Would you take a moment to</p> <p>9 review this two-page document which at the</p> <p>10 top has an e-mail from Shelley Podolny</p> <p>11 sent April 13th, 2010 to</p> <p>12 awoods@donzigerandassociates.com, subject,</p> <p>13 Re: Documents.</p> <p>14 (Witness perusing document.)</p> <p>15 A. Okay.</p> <p>16 Q. Do you know who Shelley Podolny</p> <p>17 is from H5?</p> <p>18 A. Yes.</p> <p>19 Q. Who was she?</p> <p>20 A. I don't know her official</p> <p>21 title. She seemed to handle more</p> <p>22 administrative matters at H5.</p> <p>23 Q. What was H5's role?</p> <p>24 A. I'm not entirely clear, but I</p> <p>25 know H5 was working toward the end of my</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 L. GARR</p> <p>2 work on the case, we worked out of their</p> <p>3 offices in part and they -- I don't know</p> <p>4 the exact role, but they assisted in the</p> <p>5 litigation.</p> <p>6 Q. You worked out of which</p> <p>7 offices, what location?</p> <p>8 A. They had an office space in</p> <p>9 Madison Avenue and there was a room that</p> <p>10 we worked in.</p> <p>11 Q. In Manhattan?</p> <p>12 A. In Manhattan, yes, I'm sorry.</p> <p>13 Q. H5 is a U.S. company? Or H5 --</p> <p>14 A. At least had an office in New</p> <p>15 York. I don't know their --</p> <p>16 Q. Directing your attention to</p> <p>17 where it says "Shelley said we are trying</p> <p>18 to get a document holding pen together,"</p> <p>19 do you have an understanding of -- did</p> <p>20 you, when you were in Ecuador or working</p> <p>21 for Mr. Donziger in 2010, know that there</p> <p>22 was a holding pen? Did you have an</p> <p>23 understanding what that meant?</p> <p>24 A. No.</p> <p>25 Q. Do you see the last sentence</p>	<p style="text-align: right;">Page 88</p> <p>1 L. GARR</p> <p>2 Mr. Page and Mr. Donziger was in 2010?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. And do you recall that was in</p> <p>5 connection with collecting information</p> <p>6 relating to Cabrera?</p> <p>7 A. I believe so. I don't</p> <p>8 specifically recall what the purpose of</p> <p>9 that trip was, but if it was during that</p> <p>10 time period it would make sense that it</p> <p>11 was related to Cabrera.</p> <p>12 Q. Do you recall getting a request</p> <p>13 from Mr. Woods to collect documents on a</p> <p>14 portable storage media?</p> <p>15 A. No, I do not.</p> <p>16 Q. Do you recall -- did you return</p> <p>17 to the United States from any of your</p> <p>18 trips in March or April 2010 with portable</p> <p>19 storage media or DVDs or some ability --</p> <p>20 with some digital information that you</p> <p>21 gathered in Ecuador?</p> <p>22 MR. GOMEZ: Objection,</p> <p>23 compound.</p> <p>24 THE SPECIAL MASTER: If you can</p> <p>25 answer it, answer it.</p>
<p style="text-align: right;">Page 87</p> <p>1 L. GARR</p> <p>2 where it says "By the way, if Steven can</p> <p>3 bring back any information back with him</p> <p>4 on a DVD that folks might need soon, that</p> <p>5 would be great." Do you see that?</p> <p>6 A. I see that, yes.</p> <p>7 Q. And then in Mr. Woods'</p> <p>8 response, it says, in his last sentence,</p> <p>9 "I'm going to forward your request</p> <p>10 regarding information from Ecuador to two</p> <p>11 of our associates who are with Steven,</p> <p>12 Laura and Aaron, to have them gather what</p> <p>13 they can on portable storage media for</p> <p>14 return to the U.S."</p> <p>15 Do you see that?</p> <p>16 A. I do see that, yes.</p> <p>17 Q. Do you recall being in Ecuador</p> <p>18 with Mr. Donziger and Mr. Page in April</p> <p>19 2010?</p> <p>20 A. I don't recall specifically,</p> <p>21 but I do recall Aaron -- being on a trip</p> <p>22 with Aaron and Steven. I don't remember</p> <p>23 if it was in April. I wouldn't be</p> <p>24 surprised if that were the case.</p> <p>25 Q. Do you recall the trip with</p>	<p style="text-align: right;">Page 89</p> <p>1 L. GARR</p> <p>2 A. At one point I did, and I don't</p> <p>3 know exactly when, but did obtain a copy</p> <p>4 of the kind of index that was made</p> <p>5 regarding the trial record, and that was</p> <p>6 transferred I believe by UBS onto my</p> <p>7 laptop, which was an index of the court</p> <p>8 filing in Ecuador.</p> <p>9 Q. Did you observe on these trips</p> <p>10 Mr. Donziger in the offices of --</p> <p>11 THE SPECIAL MASTER: Excuse me,</p> <p>12 is this an index you got at the courthouse</p> <p>13 or an index created by the plaintiffs at</p> <p>14 the Selva Viva offices?</p> <p>15 THE WITNESS: It was an index</p> <p>16 created by the plaintiffs was my</p> <p>17 understanding. I don't believe there was</p> <p>18 a court index in the Ecuadorian court.</p> <p>19 THE SPECIAL MASTER: Thank you.</p> <p>20 Q. Did you help prepare that</p> <p>21 index?</p> <p>22 A. No.</p> <p>23 Q. Do you know who did that?</p> <p>24 A. I don't.</p> <p>25 Q. When you were on the trips to</p>

<p style="text-align: right;">Page 90</p> <p>1 L. GARR</p> <p>2 Ecuador in March and April 2010, did you</p> <p>3 observe Mr. Donziger in the offices where</p> <p>4 you were working in Quito?</p> <p>5 A. Yes.</p> <p>6 Q. Did Mr. Donziger bring a laptop</p> <p>7 with him?</p> <p>8 A. I don't recall specifically. I</p> <p>9 would believe so, yes.</p> <p>10 Q. Did you observe Mr. Donziger</p> <p>11 using the offices -- what desk did he use,</p> <p>12 for example?</p> <p>13 A. It varied. Sometimes a table</p> <p>14 downstairs or up in Luis' office</p> <p>15 sometimes, if Luis wasn't there, or</p> <p>16 sometimes at a table with people. There</p> <p>17 was a few rooms. There was not a specific</p> <p>18 spot that he would be.</p> <p>19 Q. When you mentioned Luis, is</p> <p>20 that Luis Yanza?</p> <p>21 A. Yes.</p> <p>22 Q. Did anybody prohibit</p> <p>23 Mr. Donziger from accessing, to your</p> <p>24 observation, any documents on any desks or</p> <p>25 any drawers when you were there?</p>	<p style="text-align: right;">Page 92</p> <p>1 L. GARR</p> <p>2 information relating to Mr. Cabrera that</p> <p>3 was in the Quito office?</p> <p>4 A. Julio Prieto, Juan Pablo Saenz,</p> <p>5 and, again, there were -- I'm sorry that</p> <p>6 I'm forgetting their names, but a woman, a</p> <p>7 younger girl as well as other people that</p> <p>8 were to assist as well, and communications</p> <p>9 people, they didn't really help with the</p> <p>10 records.</p> <p>11 Q. Let's show you Exhibit -- oh,</p> <p>12 one more question about documents.</p> <p>13 Were there computers on the</p> <p>14 desks of Mr. Prieto, Mr. Saenz,</p> <p>15 Mr. Fajardo and Mr. Yanza?</p> <p>16 A. They all had their own laptops.</p> <p>17 Q. Did you communicate with</p> <p>18 Mr. Fajardo in Spanish or in English?</p> <p>19 A. Both.</p> <p>20 Q. Did you communicate with</p> <p>21 Mr. Prieto in Spanish or in English?</p> <p>22 A. Both.</p> <p>23 Q. Mr. Saenz?</p> <p>24 A. Both.</p> <p>25 Q. And Mr. Yanza?</p>
<p style="text-align: right;">Page 91</p> <p>1 L. GARR</p> <p>2 A. I did not witness that, no.</p> <p>3 Q. Did you witness Mr. Donziger</p> <p>4 accessing documents when you were there?</p> <p>5 A. No.</p> <p>6 Q. Looking at the trial record?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Did anybody tell you that you</p> <p>9 couldn't look at any files or any</p> <p>10 documents when you were in Ecuador?</p> <p>11 A. No one ever said that to me,</p> <p>12 no.</p> <p>13 Q. Mr. Fajardo never said that to</p> <p>14 you?</p> <p>15 A. I didn't ask to view anything,</p> <p>16 but no one ever said to me I could not.</p> <p>17 Q. And did Mr. Fajardo provide you</p> <p>18 with documents with the understanding --</p> <p>19 withdrawn.</p> <p>20 Did he provide you with</p> <p>21 documents while you were in Ecuador?</p> <p>22 A. I don't recall if Mr. Fajardo</p> <p>23 ever provided me with documents, no.</p> <p>24 Q. Who, if anyone, helped you look</p> <p>25 through the trial record to collect</p>	<p style="text-align: right;">Page 93</p> <p>1 L. GARR</p> <p>2 A. Spanish.</p> <p>3 Q. I'm showing you Exhibit 4209.</p> <p>4 (Plaintiff's Exhibit 4209</p> <p>5 marked for identification.)</p> <p>6 Q. Ms. Garr, it is from</p> <p>7 lauragarr@gmail.com sent March 4th, 2010</p> <p>8 to Aaron, Steven Donziger, subject is</p> <p>9 Outline, the attachment says Denver</p> <p>10 Outline 1782 Response.doc. The Bates</p> <p>11 number is DONZ00054540.</p> <p>12 Do you remember sending this</p> <p>13 e-mail relating to an outline for a</p> <p>14 response to Chevron's 1782 proceeding?</p> <p>15 A. I don't recall.</p> <p>16 Q. Did you work on drafting or</p> <p>17 assisting Mr. -- withdrawn.</p> <p>18 Did you work on assisting with</p> <p>19 the drafting of a response to Chevron's</p> <p>20 1782 proceeding?</p> <p>21 A. Not with the drafting, no. Not</p> <p>22 that I recall.</p> <p>23 Q. Do you remember preparing an</p> <p>24 outline?</p> <p>25 A. I mean, this looks -- I mean, I</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 L. GARR</p> <p>2 believe this was sent from me, I just</p> <p>3 don't recall doing it.</p> <p>4 Q. Let me show you Exhibit 4210.</p> <p>5 (Plaintiff's Exhibit 4210</p> <p>6 marked for identification.)</p> <p>7 Q. It is a two-page document from</p> <p>8 Laura Garr sent March 4th, 2010 to Andrew</p> <p>9 Woods, subject, Call with Denver - Notes,</p> <p>10 Bates numbered WOODS-HDD-0158292.</p> <p>11 A. Can I review this document?</p> <p>12 Q. Yes, please.</p> <p>13 (Witness perusing document.)</p> <p>14 A. Okay.</p> <p>15 Q. Did you participate on a call</p> <p>16 while you were in Ecuador with</p> <p>17 Mr. Donziger and Mr. Page relating to the</p> <p>18 1782 proceeding?</p> <p>19 A. I must have, yes.</p> <p>20 Q. Do you independently recall it?</p> <p>21 A. I believe there was a Skype</p> <p>22 call. I don't --</p> <p>23 Q. You have a general recollection</p> <p>24 there was a Skype call?</p> <p>25 A. Yeah. I'm not sure if -- I'm</p>	<p style="text-align: right;">Page 96</p> <p>1 L. GARR</p> <p>2 alone, so I would assume Steven would be</p> <p>3 on the call, but I don't recall.</p> <p>4 Q. Directing your attention to the</p> <p>5 bottom of the page, do you see where it</p> <p>6 says "Most we can likely get is finding</p> <p>7 that much of what they are seeking is</p> <p>8 privileged and only thing they are</p> <p>9 entitled to get is that which is not</p> <p>10 privileged," do you see that? The bottom</p> <p>11 of the first page.</p> <p>12 A. I'm sorry, yes. Yes.</p> <p>13 Q. Was there a discussion among</p> <p>14 you and others that the Ecuadorian Lago</p> <p>15 Agrio plaintiffs would assert privilege to</p> <p>16 documents?</p> <p>17 MR. GOMEZ: Objection.</p> <p>18 THE SPECIAL MASTER: Overruled,</p> <p>19 waiver, the waiver I described previously.</p> <p>20 A. Yes, it appears that there was</p> <p>21 a conversation about that.</p> <p>22 Q. Do you remember conversations</p> <p>23 about an objective being not to disclose</p> <p>24 documents of Stratus Consulting in the</p> <p>25 Section 1782 proceeding to Chevron?</p>
<p style="text-align: right;">Page 95</p> <p>1 L. GARR</p> <p>2 guessing again, I'm sorry, I don't recall.</p> <p>3 Q. Do you recall taking notes</p> <p>4 during whatever call you generally</p> <p>5 remember participating in, this Skype</p> <p>6 call?</p> <p>7 A. These appear to be notes that</p> <p>8 were taken from a call.</p> <p>9 THE SPECIAL MASTER: Excuse me,</p> <p>10 are these notes of a conversation with</p> <p>11 Mr. Donziger and Mr. Page or are these</p> <p>12 notes of a conversation with somebody from</p> <p>13 the Brownstein firm in Denver? Take a</p> <p>14 look at the last line.</p> <p>15 THE WITNESS: It appears to be</p> <p>16 notes from a call with Denver counsel.</p> <p>17 THE SPECIAL MASTER: That's</p> <p>18 what I thought, Mr. Brodsky, that they</p> <p>19 just look from the face of it -- you just</p> <p>20 read it wrong.</p> <p>21 Q. Was Mr. Donziger and Mr. Page</p> <p>22 participating in this call with you?</p> <p>23 A. I don't recall. I would assume</p> <p>24 that -- I don't recall. I don't recall</p> <p>25 ever having a conversation with counsel</p>	<p style="text-align: right;">Page 97</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection.</p> <p>3 THE SPECIAL MASTER: I want to</p> <p>4 hear the answer first.</p> <p>5 A. I recall that there were</p> <p>6 discussions around privilege, an</p> <p>7 Ecuadorian privilege and technical, like</p> <p>8 technical privilege as applies to</p> <p>9 technical experts.</p> <p>10 THE SPECIAL MASTER: I overrule</p> <p>11 the objection both on waiver and</p> <p>12 crime-fraud grounds. I'm not saying that</p> <p>13 she, the witness, acted in furtherance of</p> <p>14 the fraud, but the person she is</p> <p>15 describing and identifying as the source</p> <p>16 of the material that she is talking about</p> <p>17 and those conversations were in</p> <p>18 furtherance of the fraud.</p> <p>19 Q. Who were you talking to</p> <p>20 regarding the assertion of privilege?</p> <p>21 A. I recall discussions between</p> <p>22 Steven Donziger and with Emery Celli, the</p> <p>23 law firm of Emery Celli, and with the law</p> <p>24 firm of Patton Boggs, I believe,</p> <p>25 discussing privilege.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 L. GARR</p> <p>2 Q. And who from Emery Celli was a</p> <p>3 part of these discussions?</p> <p>4 A. I just have a general</p> <p>5 recollection of discussions, so I'm not</p> <p>6 sure of specific conversations, so I just</p> <p>7 know generally who worked in Emery Celli.</p> <p>8 Q. You don't remember who from</p> <p>9 Emery Celli participated in these</p> <p>10 discussions?</p> <p>11 A. No.</p> <p>12 Q. You just remember Emery Celli</p> <p>13 did?</p> <p>14 A. Again, just generally speaking</p> <p>15 about privilege as it related to the</p> <p>16 1782s. I don't know specifically and I</p> <p>17 don't know if it was specifically in</p> <p>18 relation to this call, I don't know.</p> <p>19 Q. Was there a discussion of a</p> <p>20 strategy of trying to find a means not to</p> <p>21 produce the documents that Chevron was</p> <p>22 seeking?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Let me</p> <p>25 hear the answer.</p>	<p style="text-align: right;">Page 100</p> <p>1 L. GARR</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who said that and</p> <p>5 the context in which it was said?</p> <p>6 A. I mean, I don't. It appears</p> <p>7 that I'm speaking of -- it appears I'm</p> <p>8 summarizing what Denver counsel was</p> <p>9 describing, that it was Gibson Dunn's --</p> <p>10 about them saying they are professional,</p> <p>11 pleasant to work with, but that they don't</p> <p>12 trust us, what we say, and that they</p> <p>13 allege that we misled the Denver firm.</p> <p>14 Q. Do you know what it means by</p> <p>15 "the Denver firm"?</p> <p>16 A. I don't.</p> <p>17 Q. Let me show you 4211, which is</p> <p>18 a four-page document Bates numbered</p> <p>19 GARR10902, which has been produced</p> <p>20 pursuant to a 502(d) agreement. It is</p> <p>21 from Laura Garr dated March 5th, 2010 to</p> <p>22 Guadalupe De Heredia, "Subject: por fa,"</p> <p>23 and the attachment says</p> <p>24 BrownsteinChecklist.doc.</p> <p>25 Let me know when you have had a</p>
<p style="text-align: right;">Page 99</p> <p>1 L. GARR</p> <p>2 A. I don't know about a strategy,</p> <p>3 but there were discussions about</p> <p>4 privilege, what documents were privileged</p> <p>5 versus not.</p> <p>6 THE SPECIAL MASTER: Are we</p> <p>7 talking about Stratus documents basically?</p> <p>8 THE WITNESS: Well, I'm not</p> <p>9 sure. It was documents I think that were</p> <p>10 the subject of the 1782.</p> <p>11 THE SPECIAL MASTER: Okay.</p> <p>12 Your objection is overruled on both</p> <p>13 grounds, both waiver and crime-fraud, and,</p> <p>14 again, I'm not ruling that the witness had</p> <p>15 conversations in furtherance of the fraud,</p> <p>16 but the people she is describing who had</p> <p>17 those conversations did.</p> <p>18 (Plaintiff's Exhibit 4211</p> <p>19 marked for identification.)</p> <p>20 Q. Before we get to 4211 --</p> <p>21 A. I don't have a copy of it.</p> <p>22 Q. Before we get to that, on the</p> <p>23 second page of this 4210 document under</p> <p>24 where it describes Gibson Dunn, it says</p> <p>25 "we misled the Denver firm."</p>	<p style="text-align: right;">Page 101</p> <p>1 L. GARR</p> <p>2 chance to look at it.</p> <p>3 THE SPECIAL MASTER: Excuse me,</p> <p>4 is this exhibit number a new exhibit</p> <p>5 number?</p> <p>6 MR. BRODSKY: Yes.</p> <p>7 THE SPECIAL MASTER: I believe</p> <p>8 this document was introduced and marked at</p> <p>9 the McDermott deposition. I could be</p> <p>10 wrong, but I remember seeing something</p> <p>11 very much like this, a slightly different</p> <p>12 version. Maybe I'm wrong.</p> <p>13 Q. Have you had a chance to review</p> <p>14 it?</p> <p>15 A. I'm just --</p> <p>16 Q. Sorry.</p> <p>17 (Witness perusing document.)</p> <p>18 A. Okay.</p> <p>19 Q. What was Brownstein Hyatt</p> <p>20 Farber Schreck's role at this time?</p> <p>21 A. I believe they were the law</p> <p>22 firm in Colorado responding to the 1782 --</p> <p>23 1782 files with respect to Stratus</p> <p>24 Consulting.</p> <p>25 Q. Do you remember printing out</p>

26 (Pages 98 - 101)

<p style="text-align: right;">Page 102</p> <p>1 L. GARR</p> <p>2 this document or having this document</p> <p>3 printed for Mr. Donziger when you were in</p> <p>4 Ecuador?</p> <p>5 A. I don't, but I see that I had</p> <p>6 asked for it to be printed.</p> <p>7 Q. Did you participate in</p> <p>8 conversations with Mr. Donziger and</p> <p>9 Mr. Woods regarding the collection of</p> <p>10 information requested by the Brownstein</p> <p>11 firm?</p> <p>12 A. In reading this, I recall</p> <p>13 specific questions regarding like the</p> <p>14 close of the evidentiary period and things</p> <p>15 like that, but I don't -- I don't</p> <p>16 recall -- I don't recall these points or</p> <p>17 seeing it in this, you know, viewing it in</p> <p>18 this form.</p> <p>19 Q. Do you see the second bullet</p> <p>20 point under (A)(1) where it says "a list</p> <p>21 and copies of all documents produced by</p> <p>22 Stratus that were provided to Cabrera or</p> <p>23 the Ecuadorian court in any form"?</p> <p>24 A. I'm sorry, (A)(1)?</p> <p>25 Q. It is on the second page of the</p>	<p style="text-align: right;">Page 104</p> <p>1 L. GARR</p> <p>2 Q. Do you see on the second page,</p> <p>3 the last bullet point, it says "documents</p> <p>4 that could be alternative source for</p> <p>5 materials Chevron alleges show improper</p> <p>6 contact between Cabrera and Stratus"?</p> <p>7 A. Okay, yes.</p> <p>8 Q. Did you participate in</p> <p>9 discussions about finding an alternative</p> <p>10 source for materials that Chevron alleged</p> <p>11 showed improper contact between Cabrera</p> <p>12 and Stratus?</p> <p>13 A. I don't recall.</p> <p>14 Q. In the third page of this memo,</p> <p>15 under Part 3, the second bullet point says</p> <p>16 "directing your attention to proof of any</p> <p>17 contact between Cabrera and Chevron or</p> <p>18 Chevron's experts," do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Did you participate in</p> <p>21 collecting alleged proof of contact</p> <p>22 between Cabrera and Chevron or Chevron's</p> <p>23 experts?</p> <p>24 A. I don't recall. I don't</p> <p>25 recall. I recall looking for, I think</p>
<p style="text-align: right;">Page 103</p> <p>1 L. GARR</p> <p>2 document.</p> <p>3 A. Yes.</p> <p>4 Q. Did you participate in</p> <p>5 collecting documents produced by Stratus</p> <p>6 that were provided to Cabrera?</p> <p>7 A. I'm sorry, can you repeat the</p> <p>8 question?</p> <p>9 Q. Did you participate in any way</p> <p>10 in the process of collecting documents</p> <p>11 that were produced by Stratus that were</p> <p>12 provided to Cabrera?</p> <p>13 A. Collecting documents? No, not</p> <p>14 that I recall, no.</p> <p>15 Q. Do you know who, if anyone, had</p> <p>16 that responsibility?</p> <p>17 A. No. Well, I'm sorry, like the</p> <p>18 underlying documents that were submitted,</p> <p>19 is that what you are --</p> <p>20 Q. The Stratus documents, any</p> <p>21 Stratus documents that were communicated</p> <p>22 to and provided to Cabrera.</p> <p>23 A. I'm not sure, but I believe</p> <p>24 document -- I'm not sure, I'm sorry, I</p> <p>25 don't know.</p>	<p style="text-align: right;">Page 105</p> <p>1 L. GARR</p> <p>2 there was photos or -- I don't recall, I'm</p> <p>3 sorry, I don't recall.</p> <p>4 Q. And where it says Draft</p> <p>5 Opposition Brief on Part B, under the</p> <p>6 Facts section, it has A. Woods and S.</p> <p>7 Donziger and two attorneys from</p> <p>8 Brownstein; do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And the Legal Argument section</p> <p>11 has Donziger and Woods also in that, in</p> <p>12 parentheses?</p> <p>13 A. I see.</p> <p>14 Q. Did you observe Mr. Donziger</p> <p>15 drafting part of the briefs that were</p> <p>16 going to be filed in Denver in response to</p> <p>17 Chevron's Section 1782 proceedings?</p> <p>18 A. Not that I recall, no.</p> <p>19 Q. Let me direct your attention to</p> <p>20 4212.</p> <p>21 (Plaintiff's Exhibit 4212</p> <p>22 marked for identification.)</p> <p>23 Q. This is a five-page document.</p> <p>24 At the top, the last e-mail in the chain</p> <p>25 is from Laura Garr to S. Donziger dated</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 L. GARR</p> <p>2 March 7, 2010, "Re: Chevron misstatement</p> <p>3 of Cabrera mandate and alternative</p> <p>4 sources," Bates numbered DONZ54640.</p> <p>5 (Witness perusing document.)</p> <p>6 Q. Ms. Garr, I will be directing</p> <p>7 your attention to certain parts.</p> <p>8 If you look at the first page,</p> <p>9 at the bottom of the page, it says to</p> <p>10 Steven Donziger from Laura Garr, dated</p> <p>11 March 6, 2010. Did you draft those series</p> <p>12 of paragraphs with footnotes?</p> <p>13 A. I don't recall, but it appears</p> <p>14 that I did, yes.</p> <p>15 Q. You don't independently have</p> <p>16 any recollection of it?</p> <p>17 A. Not really, no.</p> <p>18 Q. The information that's</p> <p>19 contained there, did you have any personal</p> <p>20 knowledge of the information based on your</p> <p>21 own observations and your -- your own</p> <p>22 observations?</p> <p>23 A. No.</p> <p>24 Q. Who, if anyone, did you rely</p> <p>25 on, do you recall, for this information</p>	<p style="text-align: right;">Page 108</p> <p>1 L. GARR</p> <p>2 representatives of Lago Agrio plaintiffs</p> <p>3 in Ecuador stopped referring to</p> <p>4 Mr. Cabrera as independent?</p> <p>5 A. I don't know. I think there</p> <p>6 might have been -- I'm recalling a press</p> <p>7 release or something where that was taken</p> <p>8 out. I don't recall.</p> <p>9 Q. If you look at page 4 of the</p> <p>10 document, let me direct you to just one</p> <p>11 particular line in the last paragraph of</p> <p>12 page 4, above the footnotes, where it says</p> <p>13 "Moreover," in the middle of the</p> <p>14 paragraph, "there are distinctions between</p> <p>15 the Stratus materials from the mediation</p> <p>16 and the Cabrera report."</p> <p>17 A. I'm sorry, what page is this?</p> <p>18 Q. This is page 4 of 5. It is in</p> <p>19 the middle of the first paragraph. "There</p> <p>20 are distinctions between the Stratus</p> <p>21 materials from the mediation and the</p> <p>22 Cabrera report."</p> <p>23 Do you know where you obtained</p> <p>24 that information?</p> <p>25 A. I don't, I'm sorry.</p>
<p style="text-align: right;">Page 107</p> <p>1 L. GARR</p> <p>2 that's contained here?</p> <p>3 A. Well, I'm sorry, I didn't read</p> <p>4 the full thing, but it appears to be</p> <p>5 referencing the Cabrera report itself, so</p> <p>6 it would be an analysis I guess of that,</p> <p>7 which would be reading -- I guess</p> <p>8 comparing statements in a motion versus</p> <p>9 what was stated directly in the report,</p> <p>10 unless I am -- I didn't read all the way</p> <p>11 through, if there is something in addition</p> <p>12 to that.</p> <p>13 Q. If you would look at the second</p> <p>14 page of the document at the top, it refers</p> <p>15 to Richard Cabrera Vega is the independent</p> <p>16 court-appointed special master.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Did there come a time when you</p> <p>20 were told not to refer to Mr. Cabrera as</p> <p>21 an independent expert?</p> <p>22 A. I don't know if I was ever</p> <p>23 specifically told not to refer to him as</p> <p>24 that.</p> <p>25 Q. Did there come a time when the</p>	<p style="text-align: right;">Page 109</p> <p>1 L. GARR</p> <p>2 Q. Did there come a time when</p> <p>3 anyone representing the Lago Agrio</p> <p>4 plaintiffs told you that the Stratus</p> <p>5 information provided to Mr. Cabrera was</p> <p>6 verbatim of what appeared in Mr. Cabrera's</p> <p>7 report?</p> <p>8 A. I'm sorry, can you repeat the</p> <p>9 question?</p> <p>10 Q. Did there come a time when you</p> <p>11 learned in 2010 that the Stratus</p> <p>12 information provided to Mr. Cabrera was</p> <p>13 verbatim what Mr. Cabrera filed as his</p> <p>14 report?</p> <p>15 A. There was -- there did come a</p> <p>16 time when I did come to learn that</p> <p>17 materials that were provided by Stratus</p> <p>18 was adopted wholesale by Cabrera.</p> <p>19 I don't know if it was the -- I</p> <p>20 still don't think it was -- my</p> <p>21 understanding is it was not the entire</p> <p>22 report, but that certain sections were</p> <p>23 adopted from Stratus.</p> <p>24 THE SPECIAL MASTER: Excuse me,</p> <p>25 when you say "materials," are you talking</p>

28 (Pages 106 - 109)

<p style="text-align: right;">Page 110</p> <p>1 L. GARR</p> <p>2 about actual narrative pages?</p> <p>3 THE WITNESS: Yes.</p> <p>4 THE SPECIAL MASTER: As opposed</p> <p>5 to materials?</p> <p>6 THE WITNESS: Yes.</p> <p>7 THE SPECIAL MASTER: Thank you.</p> <p>8 Q. And what was provided, you came</p> <p>9 to learn what was provided to Mr. Cabrera</p> <p>10 was narrative pages that contained</p> <p>11 Mr. Cabrera's name, as if written by</p> <p>12 Mr. Cabrera?</p> <p>13 MS. PARADISE: Objection to</p> <p>14 form.</p> <p>15 THE SPECIAL MASTER: You may</p> <p>16 answer.</p> <p>17 A. My understanding was that there</p> <p>18 were sections that were drafted that were</p> <p>19 adopted by Cabrera in his report. I don't</p> <p>20 know exactly what those sections were.</p> <p>21 Maybe I did at the time. I don't recall</p> <p>22 now. But there were full sections that</p> <p>23 were adopted by Cabrera.</p> <p>24 Q. Verbatim?</p> <p>25 A. Yes, I believe verbatim.</p>	<p style="text-align: right;">Page 112</p> <p>1 L. GARR</p> <p>2 questions regarding his communications</p> <p>3 with Cabrera?</p> <p>4 A. I believe he did speak about</p> <p>5 that part, yes.</p> <p>6 Q. We will get to that.</p> <p>7 Let me ask you to turn to</p> <p>8 Exhibit 4212. Your e-mail at 14:27,</p> <p>9 p.m., March 6th, 2010, the second e-mail</p> <p>10 in the chain, to Mr. Donziger, copied to</p> <p>11 Mr. Woods and Mr. Page, the last sentence</p> <p>12 says "Note: This is for explanatory</p> <p>13 purposes for counsel with the</p> <p>14 understanding that the privilege issue to</p> <p>15 block access to the information is the</p> <p>16 initial objective."</p> <p>17 Do you see that?</p> <p>18 A. I do, yes.</p> <p>19 Q. You remember being told that</p> <p>20 the purpose of responding to Chevron was</p> <p>21 to block access for Chevron to get the</p> <p>22 information that they were requesting?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 MS. PARADISE: Objection to</p> <p>25 form.</p>
<p style="text-align: right;">Page 111</p> <p>1 L. GARR</p> <p>2 Q. Who told you that?</p> <p>3 A. I believe Steven and --</p> <p>4 Q. Steven Donziger?</p> <p>5 A. Steven Donziger, and -- I don't</p> <p>6 recall -- there was I think a meeting, I'm</p> <p>7 not sure who was at that meeting and who</p> <p>8 spoke, but I know Steven was there, and I</p> <p>9 think either he had just spoken with local</p> <p>10 counsel or maybe Pablo and Luis were at</p> <p>11 the meeting. I don't recall.</p> <p>12 Q. Do you remember whether this</p> <p>13 meeting was in Ecuador or the meeting was</p> <p>14 in the United States?</p> <p>15 A. It was in the United States.</p> <p>16 Q. Do you remember Mr. Fajardo</p> <p>17 being present?</p> <p>18 A. I'm not sure. I know there was</p> <p>19 a meeting where he was present regarding</p> <p>20 this issue, but I'm not sure that was a</p> <p>21 meeting when it was fully discussed then.</p> <p>22 Q. At that meeting, did</p> <p>23 Mr. Fajardo answer questions regarding his</p> <p>24 communications with Stratus -- withdrawn.</p> <p>25 Did Mr. Fajardo answer</p>	<p style="text-align: right;">Page 113</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Clearly</p> <p>3 waived, so it is overruled on that ground.</p> <p>4 Let me hear the answer to the question on</p> <p>5 that ground, and then I will tell you if</p> <p>6 I'm going to also rule that it is subject</p> <p>7 to the crime-fraud exception.</p> <p>8 A. I'm sorry, I didn't fully</p> <p>9 understand your question. If you could</p> <p>10 repeat it.</p> <p>11 Q. Were you told that --</p> <p>12 withdrawn.</p> <p>13 Who told you that the purpose</p> <p>14 was to block access -- the privilege</p> <p>15 purpose was to block access to the</p> <p>16 information?</p> <p>17 MR. GOMEZ: Objection,</p> <p>18 foundation.</p> <p>19 A. I don't know that I was ever</p> <p>20 told the -- there were discussions that</p> <p>21 whether or not the underlying documents</p> <p>22 sought -- and I'm sorry, I'm hazy now on</p> <p>23 what the exact requests were of the 1782</p> <p>24 at that time, but I recall there being</p> <p>25 discussions of whether or not the</p>

29 (Pages 110 - 113)

<p style="text-align: right;">Page 114</p> <p>1 L. GARR</p> <p>2 underlying documents were entitled to</p> <p>3 privilege or not, and that was something I</p> <p>4 remember discussions on that, whether</p> <p>5 under Ecuadorian law or U.S. law these</p> <p>6 were privileged or work product or what</p> <p>7 privilege applied.</p> <p>8 So I know that was something</p> <p>9 that was always being debated. So I think</p> <p>10 that -- and, again, I don't -- but I think</p> <p>11 the --</p> <p>12 Q. What's your understanding of</p> <p>13 what this means, "the privilege issue to</p> <p>14 block access to the information is the</p> <p>15 initial objective"?</p> <p>16 A. I think, and it is, again,</p> <p>17 looking at it now, but I think, if I</p> <p>18 recall, there was -- there was -- if I</p> <p>19 recall from the discussions at that time,</p> <p>20 it was that the information was</p> <p>21 privileged, viewed privileged, or there</p> <p>22 was an argument for privilege in the first</p> <p>23 instance, and then -- but here is a</p> <p>24 response to the underlying arguments if</p> <p>25 privilege does not apply.</p>	<p style="text-align: right;">Page 116</p> <p>1 L. GARR</p> <p>2 phrase it, but I remember there being</p> <p>3 discussions of Ecuadorian -- and I don't</p> <p>4 know if I was directly or if I was told</p> <p>5 that there was concern from Ecuadorian</p> <p>6 counsel of full disclosure of all</p> <p>7 materials -- of turning over all</p> <p>8 materials.</p> <p>9 And there were -- I recall</p> <p>10 meetings with discussing, again, the</p> <p>11 privilege issue with Steven present,</p> <p>12 again.</p> <p>13 I'm sorry, can you repeat the</p> <p>14 question? I feel like I'm going off track</p> <p>15 here.</p> <p>16 Q. I had asked you, were you</p> <p>17 present or did you participate in the</p> <p>18 discussion in which concerns were raised</p> <p>19 if the information from Stratus was</p> <p>20 disclosed to Chevron, and you said "I was</p> <p>21 present for the conversations where --</p> <p>22 yes," and I asked you who expressed those</p> <p>23 concerns.</p> <p>24 A. I think there was concern</p> <p>25 raised about --</p>
<p style="text-align: right;">Page 115</p> <p>1 L. GARR</p> <p>2 Q. Was there a discussion -- did</p> <p>3 you participate in a discussion or were</p> <p>4 you present for a discussion regarding</p> <p>5 concerns if the information was disclosed</p> <p>6 to Chevron?</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 THE SPECIAL MASTER: Overruled</p> <p>9 on both grounds.</p> <p>10 A. I'm sorry, can you repeat the</p> <p>11 question? I'm sorry.</p> <p>12 Q. Were you present for or did you</p> <p>13 participate in a discussion in which</p> <p>14 concerns were raised if the information</p> <p>15 from Stratus was disclosed to Chevron?</p> <p>16 MR. GOMEZ: Same objection.</p> <p>17 THE SPECIAL MASTER: Overruled.</p> <p>18 A. I was present for conversations</p> <p>19 where -- yes.</p> <p>20 Q. Who expressed concerns?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. I recall discussions that were</p> <p>24 had -- I don't know who was -- I don't</p> <p>25 know that that's maybe the way I would</p>	<p style="text-align: right;">Page 117</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: I think he</p> <p>3 is asking you who. Who were the people</p> <p>4 that expressed the concerns? Just name</p> <p>5 them if you can.</p> <p>6 THE WITNESS: I think it was,</p> <p>7 and I'm not sure that they directly</p> <p>8 expressed it, I think there was concern</p> <p>9 from Ecuadorian counsel.</p> <p>10 Q. Who was speaking at this</p> <p>11 meeting or this discussion which you</p> <p>12 participated relaying these concerns if</p> <p>13 the information from Stratus was disclosed</p> <p>14 to Chevron?</p> <p>15 MR. GOMEZ: Objection.</p> <p>16 THE SPECIAL MASTER: Overruled.</p> <p>17 He is asking you who were the people who</p> <p>18 were expressing concerns. He is not</p> <p>19 asking you now what the concerns were.</p> <p>20 Just tell him who the people were.</p> <p>21 Ecuadorian counsel is one set. Therefore</p> <p>22 he is asking further which Ecuadorian</p> <p>23 counsel. If they are more than Ecuadorian</p> <p>24 counsel, then name the others, please.</p> <p>25 THE WITNESS: Again, I don't</p>

30 (Pages 114 - 117)

<p style="text-align: right;">Page 118</p> <p>1 L. GARR</p> <p>2 recall if it was Ecuadorian counsel that</p> <p>3 said it to me or if Steven relayed</p> <p>4 Ecuadorian counsel has a concern of</p> <p>5 disclosing this. And it was more that</p> <p>6 this -- and Steven expressed that this --</p> <p>7 THE SPECIAL MASTER: Please,</p> <p>8 just name the people.</p> <p>9 THE WITNESS: I believe Steven.</p> <p>10 I don't recall the specific conversation,</p> <p>11 so I'm sorry, it is difficult.</p> <p>12 THE SPECIAL MASTER: But don't</p> <p>13 add the content yet. Just tell him who</p> <p>14 expressed the concerns.</p> <p>15 THE WITNESS: I'm sorry.</p> <p>16 Q. Steven Donziger?</p> <p>17 A. Steven Donziger, and on behalf</p> <p>18 of Ecuadorian counsel or potentially</p> <p>19 Ecuadorian counsel.</p> <p>20 Q. And when you say "Ecuadorian</p> <p>21 counsel" --</p> <p>22 A. Pablo Fajardo and Julio Prieto</p> <p>23 and Juan Pablo Saenz would be my</p> <p>24 understanding.</p> <p>25 Q. And was this one conversation</p>	<p style="text-align: right;">Page 120</p> <p>1 L. GARR</p> <p>2 and how do we -- how do we -- how -- there</p> <p>3 was this question of trying to understand</p> <p>4 what the Ecuadorian law overlap was and</p> <p>5 then replying to the information.</p> <p>6 I don't know if that helps, but</p> <p>7 "concern" was kind of vague and I didn't</p> <p>8 know how to reply to that.</p> <p>9 Q. Prior to the 1782 proceeding</p> <p>10 being filed by Chevron in the District of</p> <p>11 Colorado, had Mr. Donziger and/or --</p> <p>12 withdrawn.</p> <p>13 Had Mr. Donziger been open</p> <p>14 about Stratus' role in preparing a</p> <p>15 narrative for Mr. Cabrera?</p> <p>16 MS. PARADISE: Objection to</p> <p>17 form.</p> <p>18 THE SPECIAL MASTER: You may</p> <p>19 answer.</p> <p>20 A. My understanding of Stratus'</p> <p>21 role was that they served as technical</p> <p>22 experts. Before that I didn't have any</p> <p>23 other understanding of their role prior to</p> <p>24 that.</p> <p>25 Q. And where did that</p>
<p style="text-align: right;">Page 119</p> <p>1 L. GARR</p> <p>2 you are recalling or a series of</p> <p>3 conversations?</p> <p>4 A. I'm kind of recalling a series</p> <p>5 of conversations.</p> <p>6 Q. Over what period of time?</p> <p>7 What's your recollection of the earliest</p> <p>8 conversation where these concerns were</p> <p>9 expressed through the last conversation?</p> <p>10 A. It would be after the 1782 was</p> <p>11 filed and the allegations were raised over</p> <p>12 a time period that I don't know if it was</p> <p>13 weeks or months.</p> <p>14 Q. Let me turn to 4020A.</p> <p>15 A. Can I clarify one thing, I'm</p> <p>16 sorry?</p> <p>17 Q. Sure.</p> <p>18 A. It was a concern of the way --</p> <p>19 when I said there was concern, it was not</p> <p>20 concern to -- it was concern over the way</p> <p>21 the characterization was and how to</p> <p>22 respond to it was the concern of how to</p> <p>23 submit materials and the framework that it</p> <p>24 was being -- like that was the big concern</p> <p>25 of trying to understand the underlying law</p>	<p style="text-align: right;">Page 121</p> <p>1 L. GARR</p> <p>2 understanding come from?</p> <p>3 A. Steven Donziger.</p> <p>4 Q. Mr. Donziger?</p> <p>5 A. Yes.</p> <p>6 Q. And was -- when you were in</p> <p>7 Ecuador, you reviewed a number of the</p> <p>8 filings related to Cabrera, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Prior to -- do you recall a</p> <p>11 filing in which Mr. Cabrera requested</p> <p>12 information from the parties?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall that being in</p> <p>15 January of 2008?</p> <p>16 A. The order itself?</p> <p>17 Q. Yes, the order.</p> <p>18 A. I don't recall, but it -- I</p> <p>19 knew it at one point and I saw it on a</p> <p>20 document somewhere.</p> <p>21 Q. Did you come -- regardless of</p> <p>22 the actual date of the court order, did</p> <p>23 you come to learn that Stratus had been</p> <p>24 communicating with and writing things for</p> <p>25 Mr. Cabrera prior to that?</p>

<p style="text-align: right;">Page 122</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection.</p> <p>3 MS. PARADISE: Objection to</p> <p>4 form.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. I don't recall when they -- I</p> <p>7 don't recall the date or timeline of the</p> <p>8 participation.</p> <p>9 (Plaintiff's Exhibit 4020A</p> <p>10 marked for identification.)</p> <p>11 (Plaintiff's Exhibit 4020B</p> <p>12 marked for identification.)</p> <p>13 Q. 4020A and 4020B. 4020A is the</p> <p>14 one-page e-mail from Aaron Marr Page dated</p> <p>15 March 9, 2010 to McDermott, Englert, M.</p> <p>16 Hoke, copied to Donziger and Laura Garr,</p> <p>17 subject, SRD Team Thoughts/Research, with</p> <p>18 an attachment that is 4020B, and it is</p> <p>19 stamped DONZ54731 and 54732.</p> <p>20 Take a moment, Ms. Garr, to</p> <p>21 take a look at this one-page e-mail and</p> <p>22 attachment of three pages.</p> <p>23 (Witness perusing document.)</p> <p>24 Q. Before we get to this document,</p> <p>25 did there come a time when Mr. Donziger</p>	<p style="text-align: right;">Page 124</p> <p>1 L. GARR</p> <p>2 MR. BRODSKY: 4020B, correct,</p> <p>3 the attachment to 4020A.</p> <p>4 A. Yes.</p> <p>5 Q. Were you in Ecuador to -- did</p> <p>6 you participate in drafting this document?</p> <p>7 A. I believe it was drafted by</p> <p>8 Aaron, but I think I summarized the</p> <p>9 preliminary documents that are included.</p> <p>10 THE SPECIAL MASTER: I'm sorry,</p> <p>11 I didn't hear that.</p> <p>12 THE WITNESS: I think I might</p> <p>13 have summarized the preliminary documents</p> <p>14 or provided the document information that</p> <p>15 are bullet points on page 2.</p> <p>16 Q. Before this was sent to</p> <p>17 McDermott, Englert and Hoke, did you</p> <p>18 review the document?</p> <p>19 A. I don't recall.</p> <p>20 Q. Does it refresh your memory --</p> <p>21 was it your practice at the time to review</p> <p>22 a document that went out from you and</p> <p>23 others?</p> <p>24 THE SPECIAL MASTER: Didn't the</p> <p>25 thing you had before show her flying on</p>
<p style="text-align: right;">Page 123</p> <p>1 L. GARR</p> <p>2 told you that the representatives of the</p> <p>3 Ecuadorian Lago Agrio plaintiffs had</p> <p>4 drafted the entire report for Mr. Cabrera</p> <p>5 with his -- as if it was written by him</p> <p>6 for his signature?</p> <p>7 MS. PARADISE: Objection to</p> <p>8 form.</p> <p>9 THE SPECIAL MASTER: Go ahead,</p> <p>10 answer the question.</p> <p>11 A. No.</p> <p>12 THE SPECIAL MASTER: Hold on,</p> <p>13 let me hear that question again, please,</p> <p>14 and I want to hear that answer again.</p> <p>15 (The record was read.)</p> <p>16 THE SPECIAL MASTER: Go ahead.</p> <p>17 Q. Did anybody tell you that?</p> <p>18 A. No.</p> <p>19 Q. Turning to this document,</p> <p>20 4020A, do you recognize the attachment</p> <p>21 which is to John McDermott, Erica Englert,</p> <p>22 Michael Hoke, from Aaron Page, Steven</p> <p>23 Donziger and you, dated March 9th, 2010?</p> <p>24 MR. HILLE: You are referring</p> <p>25 to 4020B?</p>	<p style="text-align: right;">Page 125</p> <p>1 L. GARR</p> <p>2 March 9th?</p> <p>3 MR. BRODSKY: Yes. It does not</p> <p>4 have a time.</p> <p>5 A. I don't recall drafting this or</p> <p>6 if I reviewed it or not.</p> <p>7 Q. Let me ask you to turn to a few</p> <p>8 sections. The section you pointed out you</p> <p>9 drafted was on page 2, the bullet points?</p> <p>10 MR. GOMEZ: Objection,</p> <p>11 foundation.</p> <p>12 MS. PARADISE: Objection to</p> <p>13 form.</p> <p>14 MR. GOMEZ: Mischaracterizes.</p> <p>15 MR. BRODSKY: I'll withdraw it.</p> <p>16 THE SPECIAL MASTER: She didn't</p> <p>17 say she drafted it. She said they came</p> <p>18 from her in effect.</p> <p>19 Q. You summarized the documents</p> <p>20 that are listed in those bullet points?</p> <p>21 A. Yeah. I don't know that I</p> <p>22 summarized it in this fashion, but I</p> <p>23 believe I had kind of made a bullet point</p> <p>24 list of the documents that were found in</p> <p>25 the court order, that are referenced here.</p>

32 (Pages 122 - 125)

<p style="text-align: right;">Page 126</p> <p>1 L. GARR</p> <p>2 Q. Did you obtain these various</p> <p>3 documents referenced in these bullet</p> <p>4 points?</p> <p>5 A. Yes, I reviewed -- I reviewed</p> <p>6 copies of these documents.</p> <p>7 Q. That came from where?</p> <p>8 A. From the Ecuadorian court, or</p> <p>9 the trial record.</p> <p>10 Q. In the Quito office?</p> <p>11 A. In the Quito office, copies of</p> <p>12 the trial record in the Quito office.</p> <p>13 Q. And who provided them to you?</p> <p>14 A. I don't recall now, but they</p> <p>15 were provided generally by either Julio,</p> <p>16 Juan Pablo or the other members of the</p> <p>17 staff there that worked.</p> <p>18 Q. And let me direct your</p> <p>19 attention to a few parts of it.</p> <p>20 Do you see, it says "Dear</p> <p>21 Counsel" -- do you understand who</p> <p>22 McDermott, Englert and Hoke were?</p> <p>23 A. I guess they are Brownstein</p> <p>24 counsel.</p> <p>25 Q. Do you see where it says, on</p>	<p style="text-align: right;">Page 128</p> <p>1 L. GARR</p> <p>2 speaks for itself.</p> <p>3 Why in the world are we going</p> <p>4 any further?</p> <p>5 MR. BRODSKY: Okay. We will</p> <p>6 move to the next document.</p> <p>7 THE SPECIAL MASTER: I'm sorry?</p> <p>8 MR. BRODSKY: We will move to</p> <p>9 the next document. That is fine.</p> <p>10 THE SPECIAL MASTER: Let's move</p> <p>11 on.</p> <p>12 Q. Let's go to 4214.</p> <p>13 (Plaintiff's Exhibit 4214</p> <p>14 marked for identification.)</p> <p>15 Q. This is a four-page document</p> <p>16 from Laura Garr sent March 12th, 2010 to</p> <p>17 Steven Donziger and Aaron,</p> <p>18 Brownstein/Shinder Call is the subject</p> <p>19 line, DONZ54812.</p> <p>20 Let me know when you are</p> <p>21 finished reviewing. I will direct your</p> <p>22 attention, Ms. Garr, to various sections.</p> <p>23 (Witness perusing document.)</p> <p>24 Q. Let me ask you, on the first</p> <p>25 page of the e-mail, Ms. Garr --</p>
<p style="text-align: right;">Page 127</p> <p>1 L. GARR</p> <p>2 the second paragraph, "With respect to</p> <p>3 the" -- well, on the first page, the last</p> <p>4 full paragraph, "With respect to the</p> <p>5 Stratus documents mentioned above, we have</p> <p>6 determined that a package of material</p> <p>7 approx 3,000 pages was submitted by local</p> <p>8 counsel to the court in early 2008 in</p> <p>9 response to a court order asking both</p> <p>10 parties to turn over any materials they</p> <p>11 thought might assist Cabrera in carrying</p> <p>12 out this mandate"; do you see that?</p> <p>13 A. Yes.</p> <p>14 THE SPECIAL MASTER: I'm sorry,</p> <p>15 I really don't understand the purpose of</p> <p>16 this questioning. We had McDermott for a</p> <p>17 half day. Mr. Gomez will correct me if</p> <p>18 I'm wrong, but I think this was the very</p> <p>19 first document about which I ruled that</p> <p>20 the crime-fraud exception applies because</p> <p>21 this document contains false material</p> <p>22 about Cabrera, it is clearly in</p> <p>23 furtherance of the fraud, it was directed</p> <p>24 at the -- it was intended to go to the</p> <p>25 court, and it was examined about, and it</p>	<p style="text-align: right;">Page 129</p> <p>1 L. GARR</p> <p>2 A. I didn't finish reading the</p> <p>3 whole thing, but if I don't need to --</p> <p>4 Q. Did you finish reading the</p> <p>5 first page of the e-mail?</p> <p>6 A. Yes, I did.</p> <p>7 Q. Did you participate in drafting</p> <p>8 what is called the Pablo affidavit?</p> <p>9 MR. HILLE: Ms. Garr, you are</p> <p>10 being directed to the first page of the</p> <p>11 exhibit.</p> <p>12 THE WITNESS: Oh, I'm sorry.</p> <p>13 A. Not that I recall, no.</p> <p>14 Q. Do you have an understanding of</p> <p>15 what you meant when you wrote "AMP is</p> <p>16 editing the Pablo affidavit"?</p> <p>17 A. I assume -- I assume AMP is</p> <p>18 Aaron Marr Page, and I don't know what the</p> <p>19 Pablo affidavit is that it is referring</p> <p>20 to, although I do recall seeing an</p> <p>21 affidavit from Pablo Fajardo.</p> <p>22 Q. Let me direct your attention to</p> <p>23 the page 3 of 4, the bullet point under</p> <p>24 (C)(2) says "proof of any contact between</p> <p>25 Cabrera and Chevron or Chevron's experts."</p>

33 (Pages 126 - 129)

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1 L. GARR
2 Do you see that?
3 A. Yes.
4 Q. It says SV, the Selva Viva
5 Ecuador team, and Mr. Donziger were
6 responsible, under the Responsible Party.
7 Do you see that?
8 A. Yes.
9 Q. Did you have any responsibility
10 in connection with collecting proof of
11 that?
12 A. I don't. I guess these were
13 the photos that I was recalling though. I
14 recall there being some photos of -- or
15 hearing about photos of Chevron
16 representatives with Cabrera.
17 Q. Was that during the sampling
18 back in 2007?
19 A. I'm not sure. I believe so. I
20 don't know.
21 Q. Let me ask you to turn to 4217.
22 (Plaintiff's Exhibit 4217
23 marked for identification.)
24 Q. Take a look at this one-page
25 document containing two e-mails. The top

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1 L. GARR
2 of it is from Jeffrey Shinder, dated March
3 15th, 2010, to Laura Garr, copied to
4 sdonziger@gmail.com, subject, Privileged
5 and Confidential - 1782 Denver.
6 A. Yes.
7 Q. Have you had a chance to read
8 it?
9 A. I'm sorry, I'm finishing
10 reading it now.
11 (Witness perusing document.)
12 A. Okay.
13 Q. In the e-mail you wrote to
14 Mr. Shinder -- who is Mr. Shinder?
15 A. I believe he was an attorney
16 from Constantine.
17 Q. Constantine Cannon?
18 A. Yes, I believe so.
19 Q. What was his role?
20 A. I recall him -- I don't know if
21 he was working on behalf of the plaintiffs
22 for a short time or for -- I don't recall
23 exactly. I know he was -- just a brief
24 time that he worked.
25 Q. You write, "Hi Jeff: I am in

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1 L. GARR
2 the process of researching alternative
3 sources of information for the Cabrera
4 Report to counter Chevron's claims in
5 their 1782 motion."
6 Do you see that?
7 A. Yes.
8 Q. What were you doing to find
9 alternative sources of information?
10 MR. GOMEZ: Objection.
11 THE SPECIAL MASTER: Overruled,
12 waiver, the waiver I was talking about
13 before.
14 A. I'm sorry, can I look back at
15 this document that I think referenced the
16 different roles or should I not? Because
17 otherwise I don't --
18 Q. You are referring to Exhibit
19 4214?
20 A. Yes.
21 Q. Okay, sure.
22 (Witness perusing document.)
23 A. I'm sorry, can you repeat the
24 question now?
25 Q. What were you researching --

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1 L. GARR
2 where were you researching the alternative
3 sources of information?
4 A. I don't recall if -- I don't
5 recall. I think there might have been
6 exhibits that were attached to the 1782
7 from Chevron, and it was looking at that
8 information compared to the -- I don't
9 recall at this time, or other -- I guess
10 it looked like other documents that were
11 submitted to the court.
12 Q. Let me go to 4219.
13 MR. GOMEZ: Mr. Gitter, I have
14 a concern I would like to raise. Can we
15 excuse the witness?
16 THE SPECIAL MASTER: Sure.
17 (Witness departs the room.)
18 MR. BRODSKY: Mr. Gitter, will
19 we be going off the video record for time?
20 MR. GOMEZ: Let's stay on the
21 record, but not counting it off the
22 question time.
23 THE SPECIAL MASTER: Your time
24 isn't being charged.
25 THE VIDEOGRAPHER: Are we going

<p style="text-align: right;">Page 134</p> <p>1 L. GARR</p> <p>2 off the video?</p> <p>3 THE SPECIAL MASTER: No.</p> <p>4 MR. GOMEZ: The concern I'm</p> <p>5 raising is that I hear the witness saying</p> <p>6 "I don't recall" and then saying "I</p> <p>7 think," and my concern is whether she --</p> <p>8 and I think in good faith she is trying to</p> <p>9 remember, but I think she is speculating.</p> <p>10 That's what I'm hearing.</p> <p>11 And I think in an attempt to</p> <p>12 try to answer the questions, she is --</p> <p>13 sometimes she has used the word "guess"</p> <p>14 and, in my view, she is speculating. I</p> <p>15 don't know if it is worth consulting with</p> <p>16 her about whether she is actually</p> <p>17 remembering something or if she is trying</p> <p>18 to piece things together and speculating.</p> <p>19 That's my concern, whether she needs some</p> <p>20 sort of instruction not to speculate. If</p> <p>21 she recalls, she recalls; if she doesn't,</p> <p>22 then she doesn't.</p> <p>23 THE SPECIAL MASTER: I think</p> <p>24 she is trying to avoid a transcript that</p> <p>25 reads "I don't recall, I don't recall, I</p>	<p style="text-align: right;">Page 136</p> <p>1 L. GARR</p> <p>2 trying to recall recollection, that's</p> <p>3 fine, and you can start it with -- if</p> <p>4 saying it -- saying "I don't really</p> <p>5 recall, but I'm trying to get</p> <p>6 recollection," and it is not speculation</p> <p>7 totally, but there is a semblance of</p> <p>8 recollection there, it is perfectly okay</p> <p>9 to do that.</p> <p>10 THE WITNESS: Okay.</p> <p>11 THE SPECIAL MASTER: But you</p> <p>12 shouldn't speculate or totally guess. All</p> <p>13 right?</p> <p>14 THE WITNESS: Yes.</p> <p>15 (Plaintiff's Exhibit 4219</p> <p>16 marked for identification.)</p> <p>17 BY MR. BRODSKY:</p> <p>18 Q. Let me show you Exhibit 4219,</p> <p>19 an e-mail from Aaron Marr Page dated March</p> <p>20 17th, 2010 to Laura Garr, and the subject</p> <p>21 is Update, and it is subject to the 502(d)</p> <p>22 agreement, GARR69213.</p> <p>23 This is one of the documents</p> <p>24 you reviewed prior to coming here today,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 135</p> <p>1 L. GARR</p> <p>2 don't recall, I don't recall, I don't</p> <p>3 recall."</p> <p>4 I had a little bit of the same</p> <p>5 concern that you had. But having seen a</p> <p>6 transcript just yesterday which read for</p> <p>7 200 pages "I don't recall, I don't recall,</p> <p>8 I don't recall," I'm actually in favor of</p> <p>9 a witness who tries very hard to recall</p> <p>10 after saying "I don't really recall."</p> <p>11 But I think I can do a fair --</p> <p>12 you will leave it to me. Are you prepared</p> <p>13 to leave it to me?</p> <p>14 MR. GOMEZ: Yes.</p> <p>15 THE SPECIAL MASTER: Good,</p> <p>16 thank you. Bring the witness in.</p> <p>17 (Witness returns to the room.)</p> <p>18 THE SPECIAL MASTER: Ms. Garr,</p> <p>19 the subject of this little sidebar was</p> <p>20 concern by counsel for the Lago Agrio</p> <p>21 plaintiffs, and I heard a little of it,</p> <p>22 about the use of the words "I don't</p> <p>23 recall."</p> <p>24 If you don't recall, you don't</p> <p>25 recall. If you don't recall, but you are</p>	<p style="text-align: right;">Page 137</p> <p>1 L. GARR</p> <p>2 A. It is.</p> <p>3 Q. Starting at the bottom, the</p> <p>4 earliest e-mail in time where it says "On</p> <p>5 Wed, March 17, 2010, Laura Garr wrote," do</p> <p>6 you see that there?</p> <p>7 A. Yes.</p> <p>8 Q. "Hey there, Aaron, just wanted</p> <p>9 to check in with you and see what the</p> <p>10 latest is out of Colorado. I understand</p> <p>11 there is a change in strategy and would</p> <p>12 love to hear what is going on from your</p> <p>13 perspective."</p> <p>14 You were in Quito at the time</p> <p>15 of this e-mail exchange?</p> <p>16 A. I appear to be, yes.</p> <p>17 Q. What was the change in strategy</p> <p>18 that's referred to by you in this e-mail?</p> <p>19 MR. GOMEZ: Objection.</p> <p>20 THE SPECIAL MASTER: Overruled,</p> <p>21 waiver, and depending on what the answer</p> <p>22 is, there also may be a ruling that it is</p> <p>23 subject to the crime-fraud exception.</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you recall that there was an</p>

35 (Pages 134 - 137)

<p style="text-align: right;">Page 138</p> <p>1 L. GARR</p> <p>2 initial strategy and then that you learned</p> <p>3 that there was another strategy in place?</p> <p>4 MR. GOMEZ: Objection.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. I don't independently recall</p> <p>7 that, no.</p> <p>8 Q. This doesn't refresh your</p> <p>9 memory?</p> <p>10 A. No.</p> <p>11 Q. Your e-mail goes on to say</p> <p>12 "I'll be here in Quito (apparently</p> <p>13 unnecessarily now??? awesome)," and then</p> <p>14 Mr. Page responds in three paragraphs,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you see at the top where he</p> <p>18 says "you being in Quito is far from</p> <p>19 unnecessary"?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember why it was</p> <p>22 important for you to remain in Quito?</p> <p>23 A. No.</p> <p>24 Q. Do you see where it says "but</p> <p>25 forget everything we talked about earlier</p>	<p style="text-align: right;">Page 140</p> <p>1 L. GARR</p> <p>2 know.</p> <p>3 Q. What about where he says "we</p> <p>4 probably will not need any experts"?</p> <p>5 MR. GOMEZ: Objection.</p> <p>6 THE SPECIAL MASTER: Overruled,</p> <p>7 same grounds.</p> <p>8 A. I don't recall.</p> <p>9 Q. The second paragraph, Mr. Page</p> <p>10 states "Tomorrow can you get together in</p> <p>11 an e-mail all four of Cabrera's responses</p> <p>12 to the attacks referenced in the e-mail</p> <p>13 you just sent"; do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember what e-mail you</p> <p>16 sent regarding all four of Cabrera's</p> <p>17 responses to the attacks?</p> <p>18 A. I don't.</p> <p>19 Q. Then Mr. Page says "and have</p> <p>20 everybody in the office rack their brains</p> <p>21 (oh, and the record, for what that's</p> <p>22 worth) to come up with any other instance</p> <p>23 of Cabrera saying anything on the record."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 139</p> <p>1 L. GARR</p> <p>2 in the week. As of right now, we probably</p> <p>3 will not need any experts"?</p> <p>4 A. I do see that, yes.</p> <p>5 Q. What's your understanding of</p> <p>6 what that meant by Mr. Page?</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 THE SPECIAL MASTER: Overruled.</p> <p>9 A. I'm assuming I --</p> <p>10 THE SPECIAL MASTER: By the</p> <p>11 way, this one, there is an additional</p> <p>12 waiver on the grounds that Judge Kaplan</p> <p>13 and Judge Francis ruled on, and depending</p> <p>14 on the answer, there also may be a</p> <p>15 crime-fraud exception basis for the</p> <p>16 ruling.</p> <p>17 Go ahead.</p> <p>18 A. I'm sorry, can you repeat the</p> <p>19 question?</p> <p>20 Q. What's your understanding of</p> <p>21 what Mr. Page meant when he said "forget</p> <p>22 everything we talked about earlier in the</p> <p>23 week"?</p> <p>24 A. I don't recall. I'm just</p> <p>25 basing it out of context here, so I don't</p>	<p style="text-align: right;">Page 141</p> <p>1 L. GARR</p> <p>2 Q. What's your understanding of</p> <p>3 what Mr. Page meant when he said</p> <p>4 "everybody in the office should rack their</p> <p>5 brains (oh, and the record, for what</p> <p>6 that's worth)"?</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 THE SPECIAL MASTER: Overruled.</p> <p>9 A. I mean, I don't recall. I'm</p> <p>10 just reading from context now, so I don't</p> <p>11 know.</p> <p>12 Q. Mr. Page goes on to say, in the</p> <p>13 last paragraph, "Probably we will have a</p> <p>14 strategy call tomorrow afternoon."</p> <p>15 Do you know if that occurred?</p> <p>16 A. I don't.</p> <p>17 Q. He says "If you could encourage</p> <p>18 Julio to be there, that would be great."</p> <p>19 What is your understanding of</p> <p>20 why Mr. Page -- well, withdrawn.</p> <p>21 Do you recall encouraging Julio</p> <p>22 Prieto to be there?</p> <p>23 A. I don't recall, no.</p> <p>24 Q. Mr. Page then says, the last</p> <p>25 statement is "Sorry I can't share anything</p>

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<p style="text-align: right;">Page 142</p> <p>1 L. GARR</p> <p>2 else on e-mail." Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. Do you have an understanding of</p> <p>5 why Mr. Page could not share anything else</p> <p>6 on e-mail?</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 THE SPECIAL MASTER: Overruled.</p> <p>9 A. I would be speculating again.</p> <p>10 Q. Is this the first time that</p> <p>11 Mr. Page ever said to you that he couldn't</p> <p>12 share information on e-mail to you?</p> <p>13 A. I don't know.</p> <p>14 Q. Is this the first time that --</p> <p>15 did Mr. Donziger, prior to this, in the</p> <p>16 statement by Mr. Page on March 17, 2010,</p> <p>17 ever tell you that he could not share</p> <p>18 certain information with you on e-mail?</p> <p>19 MR. GOMEZ: Objection.</p> <p>20 THE SPECIAL MASTER: Overruled.</p> <p>21 A. I don't recall.</p> <p>22 Q. Did Mr. Donziger ever give you</p> <p>23 any instructions not to put certain things</p> <p>24 in writing?</p> <p>25 MR. GOMEZ: Objection.</p>	<p style="text-align: right;">Page 144</p> <p>1 L. GARR</p> <p>2 Q. What words did Mr. Donziger</p> <p>3 use, to the best of your recollection?</p> <p>4 MR. GOMEZ: Objection.</p> <p>5 THE SPECIAL MASTER: Overruled</p> <p>6 on the waiver grounds and likely in light</p> <p>7 of the witness' testimony to be in</p> <p>8 furtherance of the fraud relating to the</p> <p>9 Colorado proceeding. So let's hear it.</p> <p>10 Please answer the question as</p> <p>11 fully as you can, please.</p> <p>12 A. I'm sorry, can you repeat the</p> <p>13 question?</p> <p>14 MR. BRODSKY: Would you read</p> <p>15 that back.</p> <p>16 (The record was read.)</p> <p>17 A. I don't recall a specific</p> <p>18 conversation. I think it came up multiple</p> <p>19 times of just -- that there was always I</p> <p>20 think an awareness that there might --</p> <p>21 that e-mail correspondence might -- all</p> <p>22 written correspondence might become</p> <p>23 discoverable at some point, and there was</p> <p>24 a practice of e-mailing everything, so I</p> <p>25 think it was becoming more vigilant about</p>
<p style="text-align: right;">Page 143</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Overruled.</p> <p>3 A. I believe so, yes.</p> <p>4 Q. When did he give those</p> <p>5 instructions to you?</p> <p>6 A. I don't recall specifically.</p> <p>7 Q. Do you generally recall between</p> <p>8 the period -- was it generally after the</p> <p>9 1782 proceeding was filed by Chevron in</p> <p>10 Denver?</p> <p>11 A. I recall it being general</p> <p>12 discussions after the 1782 proceedings</p> <p>13 began to be more vigilant about e-mail</p> <p>14 communication, I believe.</p> <p>15 Q. What did Mr. Donziger -- where</p> <p>16 did Mr. Donziger -- where was this</p> <p>17 conversation?</p> <p>18 A. I don't recall.</p> <p>19 Q. Was it in the United States or</p> <p>20 in Ecuador?</p> <p>21 A. I don't recall. I believe in</p> <p>22 the United States.</p> <p>23 Q. Was anybody else present for</p> <p>24 it?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 145</p> <p>1 L. GARR</p> <p>2 putting attorney-client privilege or</p> <p>3 having -- just -- I guess just being more</p> <p>4 aware of jokes that could be misconstrued</p> <p>5 that used to go back and forth, of no</p> <p>6 longer -- just being more vigilant of</p> <p>7 e-mail correspondence.</p> <p>8 THE SPECIAL MASTER: Excuse me,</p> <p>9 this chain of questioning began with the</p> <p>10 question did he ever instruct you not to</p> <p>11 use e-mail, and you said yes. Is that</p> <p>12 part of your answer to this?</p> <p>13 MR. GOMEZ: Objection. Your</p> <p>14 Honor, I'm not sure that that's exactly</p> <p>15 what the question was.</p> <p>16 THE SPECIAL MASTER: The first</p> <p>17 question in this line was just that. Just</p> <p>18 one second.</p> <p>19 "Question: Did Mr. Donziger</p> <p>20 ever give you any instructions not to put</p> <p>21 certain things in writing?</p> <p>22 "Answer: I believe so, yes."</p> <p>23 MR. GOMEZ: "In writing." You</p> <p>24 said e-mail.</p> <p>25 THE SPECIAL MASTER: Well, I</p>

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<p style="text-align: right;">Page 146</p> <p>1 L. GARR</p> <p>2 consider e-mails to be in writing.</p> <p>3 MR. GOMEZ: There was a</p> <p>4 difference there.</p> <p>5 THE SPECIAL MASTER: Well, not</p> <p>6 much. Go ahead, please. Now would you</p> <p>7 answer my question.</p> <p>8 THE WITNESS: I'm sorry?</p> <p>9 THE SPECIAL MASTER: Not to put</p> <p>10 it in e-mail -- your last answer was "be</p> <p>11 vigilant about not joking, be vigilant</p> <p>12 about what you say that might be</p> <p>13 misconstrued," and my question was, does</p> <p>14 this include being vigilant in not putting</p> <p>15 everything in writing?</p> <p>16 THE WITNESS: There was never a</p> <p>17 statement of don't use e-mail anymore or</p> <p>18 anything like that. It was more if there</p> <p>19 was -- what I recall with Steven, there</p> <p>20 were sometimes jokes made where it was,</p> <p>21 you know, stop, because it can be</p> <p>22 misconstrued at this point and be careful</p> <p>23 of what you are putting in e-mails now.</p> <p>24 Q. Is it fair to say that when</p> <p>25 looking at Mr. Page's e-mail on March</p>	<p style="text-align: right;">Page 148</p> <p>1 L. GARR</p> <p>2 Okay. Got it.</p> <p>3 THE WITNESS: So I don't recall</p> <p>4 a specific instruction from him other than</p> <p>5 in general be more vigilant, and like the</p> <p>6 privilege, there was no specific content</p> <p>7 other than jokes that were made, saying</p> <p>8 don't put that in writing.</p> <p>9 Q. Did anybody else give you that</p> <p>10 instruction?</p> <p>11 A. Yes.</p> <p>12 Q. Who?</p> <p>13 A. I recall during the time</p> <p>14 additional experts were brought in that it</p> <p>15 was to minimize e-mail correspondence as</p> <p>16 much as possible.</p> <p>17 Q. When you refer to the</p> <p>18 additional experts being brought in, are</p> <p>19 you referring to the cleansing experts?</p> <p>20 MS. PARADISE: Objection to</p> <p>21 form.</p> <p>22 THE SPECIAL MASTER: You may</p> <p>23 answer.</p> <p>24 A. I believe it was the</p> <p>25 Dunkelberger Weinberg Group, I believe.</p>
<p style="text-align: right;">Page 147</p> <p>1 L. GARR</p> <p>2 17th, 2010 that Mr. Page was not referring</p> <p>3 to sharing jokes on e-mail?</p> <p>4 A. Yes.</p> <p>5 Q. Did Mr. Donziger -- putting</p> <p>6 aside jokes, did Mr. Donziger ever</p> <p>7 instruct you not to put other things in</p> <p>8 writing?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. I don't recall any specific</p> <p>12 from Mr. Donziger.</p> <p>13 Q. Do you recall a general</p> <p>14 instruction --</p> <p>15 A. Not from Mr. Donziger, no.</p> <p>16 THE SPECIAL MASTER: Wait a</p> <p>17 second. Are you now changing the answer</p> <p>18 to the question, "Did Mr. Donziger ever</p> <p>19 give you any instructions not to put</p> <p>20 certain things in writing?" "Answer: I</p> <p>21 believe so, yes," are you changing that</p> <p>22 answer now?</p> <p>23 THE WITNESS: Well, I think he</p> <p>24 said other than jokes or other than --</p> <p>25 THE SPECIAL MASTER: Oh, I see.</p>	<p style="text-align: right;">Page 149</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: The word</p> <p>3 "cleansing" is not his word, it is from an</p> <p>4 e-mail.</p> <p>5 THE WITNESS: I think that is</p> <p>6 describing who you are speaking of.</p> <p>7 Q. And who gave the instruction to</p> <p>8 minimize e-mail correspondence as much as</p> <p>9 possible relating to the additional</p> <p>10 experts?</p> <p>11 A. I don't recall, again, a</p> <p>12 specific instruction, but there were --</p> <p>13 there was a general discussion that it was</p> <p>14 presumed in light of the 1782s all</p> <p>15 correspondence would likely be turned</p> <p>16 over, so to minimize as much e-mail</p> <p>17 correspondence as possible.</p> <p>18 Q. Who said that?</p> <p>19 A. I don't recall.</p> <p>20 THE SPECIAL MASTER: Who was</p> <p>21 involved in saying it? Does that help</p> <p>22 you?</p> <p>23 THE WITNESS: It would be, I</p> <p>24 guess -- I don't know if it was Patton</p> <p>25 Boggs or H5 or Emery Celli group, I don't</p>

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<p style="text-align: right;">Page 150</p> <p>1 L. GARR</p> <p>2 recall exactly who was present at the</p> <p>3 time.</p> <p>4 Q. Did this happen in person, over</p> <p>5 the telephone; do you remember?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did this happen -- did this</p> <p>8 instruction happen on one occasion or more</p> <p>9 than one occasion?</p> <p>10 A. I don't recall.</p> <p>11 Q. Did you have conversations</p> <p>12 about this instruction with other people</p> <p>13 after getting this instruction to minimize</p> <p>14 e-mail correspondence relating to the</p> <p>15 additional experts?</p> <p>16 MR. GOMEZ: Objection.</p> <p>17 THE SPECIAL MASTER: Overruled.</p> <p>18 A. I think I recall at one point</p> <p>19 there becoming again a lot of e-mail</p> <p>20 traffic and someone saying, you know, we</p> <p>21 need to kind of minimize this again, I</p> <p>22 think. I don't recall completely.</p> <p>23 Q. You don't remember the person</p> <p>24 who said that?</p> <p>25 A. I don't. I think it might have</p>	<p style="text-align: right;">Page 152</p> <p>1 L. GARR</p> <p>2 just making a wild guess, but to the best</p> <p>3 of my recollection, you know, it would</p> <p>4 have been so and so.</p> <p>5 THE WITNESS: I'm sorry,</p> <p>6 because I really am guessing a lot.</p> <p>7 THE SPECIAL MASTER: Well, then</p> <p>8 stop guessing, but you were about to</p> <p>9 mention a name and you were interrupted.</p> <p>10 THE WITNESS: I'm just going</p> <p>11 off of the context of who I was speaking</p> <p>12 with at the time I think would be Adlai</p> <p>13 Small.</p> <p>14 Q. Your best recollection -- you</p> <p>15 don't have a specific recollection of it?</p> <p>16 A. No.</p> <p>17 Q. Is it fair to say that your</p> <p>18 best recollection of -- well, withdrawn.</p> <p>19 You have a recollection of</p> <p>20 being given this instruction to minimize</p> <p>21 e-mail correspondence relating to</p> <p>22 additional experts, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you have a general</p> <p>25 recollection that same instruction was</p>
<p style="text-align: right;">Page 151</p> <p>1 L. GARR</p> <p>2 been somebody from -- I don't, I'm sorry.</p> <p>3 Q. It wasn't an instruction put in</p> <p>4 e-mail like Mr. Page, don't put anything</p> <p>5 else in -- minimize your e-mail</p> <p>6 correspondence, was it?</p> <p>7 A. I think it was an e-mail of</p> <p>8 saying we need to cut -- there is a lot of</p> <p>9 e-mail traffic again, this needs to be cut</p> <p>10 down.</p> <p>11 Q. You think that was put in</p> <p>12 writing?</p> <p>13 A. I think so, yes.</p> <p>14 Q. Was it a Patton Boggs lawyer</p> <p>15 who said that?</p> <p>16 A. I think so, yes.</p> <p>17 Q. What's your best recollection</p> <p>18 of who said that from Patton Boggs?</p> <p>19 A. Again, I'm guessing here, I</p> <p>20 think it would be Adlai Small.</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: No, no,</p> <p>23 let's hear this. I have been hearing it,</p> <p>24 too. When she is saying I would be</p> <p>25 guessing, she I think is really saying not</p>	<p style="text-align: right;">Page 153</p> <p>1 L. GARR</p> <p>2 given again after there was an increased</p> <p>3 number of e-mails relating to the</p> <p>4 additional experts?</p> <p>5 A. Yes.</p> <p>6 Q. Your best recollection based on</p> <p>7 the context of these instructions is that</p> <p>8 it was Adlai Small who gave you this</p> <p>9 instruction?</p> <p>10 A. Yes, although I really don't --</p> <p>11 I really don't recall.</p> <p>12 Q. This instruction was given in</p> <p>13 2010 though, correct?</p> <p>14 MR. GOMEZ: Objection,</p> <p>15 foundation.</p> <p>16 THE SPECIAL MASTER: Overruled.</p> <p>17 A. Assuming there was such an</p> <p>18 instruction, if I'm recalling correctly</p> <p>19 that there was, it would be in that time</p> <p>20 period I guess, if that's when the reports</p> <p>21 were being done.</p> <p>22 Q. You do remember being told to</p> <p>23 minimize e-mail correspondence relating to</p> <p>24 additional experts, correct?</p> <p>25 A. I don't remember getting a</p>

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<p style="text-align: right;">Page 154</p> <p>1 L. GARR</p> <p>2 direct statement of that. I think there</p> <p>3 was a general sense that it seemed that a</p> <p>4 lot of materials that were previously</p> <p>5 considered to be privileged were being</p> <p>6 turned over at that time in light of the</p> <p>7 1782 actions, and there was a sense that</p> <p>8 -- there was this sense that Chevron would</p> <p>9 seek to do a 1782 immediately regarding</p> <p>10 the experts or as much as they could.</p> <p>11 So it was a kind of general</p> <p>12 sense of correspondence, that there needed</p> <p>13 to be more vigilance about putting</p> <p>14 attorney work product or privileged stamps</p> <p>15 on things, that was not being done</p> <p>16 previously, that there needed to be a</p> <p>17 little more awareness of the fact that</p> <p>18 documents might be viewed, and so that --</p> <p>19 I don't know that there was an instruction</p> <p>20 as much as kind of just once the 1782s</p> <p>21 began and different things were done, and,</p> <p>22 again, with the experts, that it was this</p> <p>23 kind of sense that Chevron was going to</p> <p>24 seek everything, and so it was just an</p> <p>25 awareness of that, I think, it wasn't so</p>	<p style="text-align: right;">Page 156</p> <p>1 L. GARR</p> <p>2 furtherance of the crime-fraud relating to</p> <p>3 Cabrera/Colorado.</p> <p>4 Q. Did you speak to Mr. Woods --</p> <p>5 THE SPECIAL MASTER: If that</p> <p>6 was the stated reason, that is stated by</p> <p>7 Donziger, and the witness has testified it</p> <p>8 was, then it is in furtherance of the</p> <p>9 fraud.</p> <p>10 Q. Did you speak to Mr. Woods</p> <p>11 regarding the withdrawal of Constantine</p> <p>12 Cannon?</p> <p>13 A. I don't recall.</p> <p>14 Q. Did there come a time when</p> <p>15 Mr. Woods spoke to you regarding any</p> <p>16 concerns he had about information he</p> <p>17 learned from Mr. Donziger --</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 Q. -- relating to Mr. Beltman?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Is that a</p> <p>22 privilege objection?</p> <p>23 MR. GOMEZ: Yes.</p> <p>24 THE SPECIAL MASTER: Overruled,</p> <p>25 and at least on the ground of subject</p>
<p style="text-align: right;">Page 155</p> <p>1 L. GARR</p> <p>2 much an instruction.</p> <p>3 Q. Did there come a time that you</p> <p>4 learned Constantine Cannon was withdrawing</p> <p>5 as counsel?</p> <p>6 A. I think so, yes.</p> <p>7 Q. And who did you learn that</p> <p>8 from?</p> <p>9 A. I think Steven.</p> <p>10 Q. Did you learn the reason, did</p> <p>11 Mr. Donziger give you a reason as to why</p> <p>12 Constantine Cannon was withdrawing?</p> <p>13 A. I believe so.</p> <p>14 Q. You were in New York at the</p> <p>15 time?</p> <p>16 A. I believe so.</p> <p>17 Q. What did Mr. Donziger tell you?</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 THE SPECIAL MASTER: Overruled,</p> <p>20 waiver.</p> <p>21 A. I don't fully recall. I think</p> <p>22 it was a mix of funding and the</p> <p>23 complicated nature of the case.</p> <p>24 THE SPECIAL MASTER: Now I add</p> <p>25 crime-fraud, that conversation was in</p>	<p style="text-align: right;">Page 157</p> <p>1 L. GARR</p> <p>2 matter waiver, and depending on the answer</p> <p>3 it may also be in furtherance of the</p> <p>4 fraud.</p> <p>5 MS. PARADISE: Do you need the</p> <p>6 question again?</p> <p>7 THE WITNESS: Yeah, I would</p> <p>8 appreciate it.</p> <p>9 Q. Did there come a time when</p> <p>10 Mr. Woods spoke to you regarding any</p> <p>11 concerns he had about information he</p> <p>12 learned from Mr. Donziger relating to</p> <p>13 Mr. Beltman?</p> <p>14 A. I don't recall specific</p> <p>15 conversations, no.</p> <p>16 Q. General conversation?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. What was the nature of the</p> <p>19 general conversation?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Overruled,</p> <p>22 same grounds. I want to hear the answer</p> <p>23 before deciding on whether or not there is</p> <p>24 a crime-fraud reason here as well.</p> <p>25 A. I believe at the time the 1782</p>

40 (Pages 154 - 157)

<p style="text-align: right;">Page 158</p> <p>1 L. GARR</p> <p>2 motion was filed and the allegations</p> <p>3 within, we both discussed our concern at</p> <p>4 the allegations raised.</p> <p>5 Q. Mr. Woods expressed concerns</p> <p>6 that if the allegations were true, that he</p> <p>7 didn't want to be a part of what was</p> <p>8 alleged?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. I don't recall any specific</p> <p>12 conversation of that nature.</p> <p>13 Q. Do you generally recall</p> <p>14 expressing that, that if the allegations</p> <p>15 made by Chevron were true regarding the</p> <p>16 relationship between the Lago Agrio</p> <p>17 plaintiffs' Ecuadorian representatives and</p> <p>18 Mr. Cabrera, that you didn't want to be a</p> <p>19 participant in it?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Overruled,</p> <p>22 waiver.</p> <p>23 A. I don't recall any</p> <p>24 conversations specific about that.</p> <p>25 Q. Did Mr. Woods talk to you about</p>	<p style="text-align: right;">Page 160</p> <p>1 L. GARR</p> <p>2 MR. BRODSKY: All right.</p> <p>3 (Witness perusing document.)</p> <p>4 Q. Does this refresh your</p> <p>5 recollection of having seen it before?</p> <p>6 A. I'm not sure if I have seen</p> <p>7 this before but it does -- I do recall</p> <p>8 kind of conversations discussing various</p> <p>9 aspects of this at the time, or I don't</p> <p>10 know if it was at this time.</p> <p>11 Q. Take us through it. What do</p> <p>12 you recall discussing and with whom?</p> <p>13 THE SPECIAL MASTER: I think</p> <p>14 you better save this until after the lunch</p> <p>15 hour.</p> <p>16 MR. BRODSKY: Okay.</p> <p>17 THE SPECIAL MASTER: We will</p> <p>18 come back to this. You had a two-minute</p> <p>19 warning. By now it is gone, the time is</p> <p>20 gone, and we might as well take our lunch</p> <p>21 break.</p> <p>22 MR. BRODSKY: All right.</p> <p>23 THE VIDEOGRAPHER: We are going</p> <p>24 off the record. The time is 12:31 p.m.</p> <p>25 (Luncheon recess: 12:31 p.m.)</p>
<p style="text-align: right;">Page 159</p> <p>1 L. GARR</p> <p>2 any conversation he had with Mr. Donziger</p> <p>3 regarding Mr. Woods learning the level of</p> <p>4 cooperation Mr. Cabrera had with Stratus?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did you ever see a memo that</p> <p>7 Mr. Woods wrote to the file relating to a</p> <p>8 conversation he had with Mr. Donziger</p> <p>9 regarding Constantine Cannon's decision</p> <p>10 not to participate in the case?</p> <p>11 A. No, I don't believe so, no.</p> <p>12 Q. Mr. Woods never shared that</p> <p>13 with you?</p> <p>14 A. I don't recall. Not that I</p> <p>15 recall.</p> <p>16 (Plaintiff's Exhibit 1730</p> <p>17 marked for identification.)</p> <p>18 (Witness perusing document.)</p> <p>19 Q. Ms. Garr, looking at this</p> <p>20 document, does it refresh any recollection</p> <p>21 of seeing it before?</p> <p>22 MS. PARADISE: Do you need more</p> <p>23 time to review the document?</p> <p>24 THE WITNESS: Yeah, I'm sorry,</p> <p>25 can I finish reading it?</p>	<p style="text-align: right;">Page 161</p> <p>1 L. GARR</p> <p>2 A F T E R N O O N S E S S I O N</p> <p>3 1:21 p.m.</p> <p>4 L A U R A G A R R , resumed.</p> <p>5 THE VIDEOGRAPHER: We are back</p> <p>6 on the record. The time is 1:21 p.m.</p> <p>7 This is the beginning of disk three.</p> <p>8 CONTINUED EXAMINATION</p> <p>9 BY MR. BRODSKY:</p> <p>10 Q. Ms. Garr, before the break you</p> <p>11 were shown Exhibit 1730. You had said "I</p> <p>12 do recall kind of conversations discussing</p> <p>13 various aspects of this at the time, or I</p> <p>14 don't know if it was at this time."</p> <p>15 You recall discussing with whom</p> <p>16 various aspects of what's mentioned in</p> <p>17 Mr. Woods' March 18th memo to the file?</p> <p>18 A. I believe I had conversations</p> <p>19 with Steven about various aspects of this,</p> <p>20 and I think Andrew Woods as well, and I</p> <p>21 believe there were conversations with</p> <p>22 Patton Boggs attorneys and I guess the</p> <p>23 Emery Celli attorneys as well.</p> <p>24 Q. Are you remembering one</p> <p>25 particular conversation or multiple</p>

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<p style="text-align: right;">Page 162</p> <p>1 L. GARR</p> <p>2 conversations?</p> <p>3 A. Multiple conversations.</p> <p>4 Q. Did you have a conversation</p> <p>5 with Mr. Donziger and Mr. Woods together</p> <p>6 or separately with Mr. Donziger and</p> <p>7 Mr. Woods, or both?</p> <p>8 A. I don't recall specifically.</p> <p>9 Q. Who from Patton Boggs did you</p> <p>10 have conversations with about various</p> <p>11 aspects of what's mentioned here in</p> <p>12 Mr. Woods' memo to the file?</p> <p>13 A. I don't recall exactly who was</p> <p>14 at a meeting, but I recall a meeting</p> <p>15 discussing where Pablo Fajardo and Luis</p> <p>16 Yanza attended a meeting discussing what</p> <p>17 documents had been provided to Cabrera.</p> <p>18 Q. That was a meeting in New York?</p> <p>19 A. In New York, yes.</p> <p>20 Q. At Patton Boggs' offices?</p> <p>21 A. I believe, yes.</p> <p>22 Q. Was it a two-day meeting?</p> <p>23 A. I don't recall.</p> <p>24 Q. We will get to that. Let me</p> <p>25 ask you, focusing your attention on 1730,</p>	<p style="text-align: right;">Page 164</p> <p>1 L. GARR</p> <p>2 to that effect?</p> <p>3 MR. GOMEZ: Objection.</p> <p>4 THE SPECIAL MASTER: Same</p> <p>5 ruling.</p> <p>6 A. My understanding was --</p> <p>7 THE SPECIAL MASTER: I'm sorry,</p> <p>8 he is asking you what Donziger said. I</p> <p>9 mean, what your understanding from before</p> <p>10 is not what he is asking you about now.</p> <p>11 THE WITNESS: Okay.</p> <p>12 A. Can you repeat the question</p> <p>13 again?</p> <p>14 Q. Did Mr. Donziger tell you at</p> <p>15 some point in 2010 that the plaintiffs had</p> <p>16 functionally written Cabrera's report for</p> <p>17 him, in those words or words to that</p> <p>18 effect?</p> <p>19 MR. GOMEZ: Objection.</p> <p>20 THE SPECIAL MASTER: Overruled.</p> <p>21 A. I guess more or less.</p> <p>22 Q. More or less, yes? In sum and</p> <p>23 substance, yes; is that fair?</p> <p>24 THE SPECIAL MASTER: Let her</p> <p>25 answer.</p>
<p style="text-align: right;">Page 163</p> <p>1 L. GARR</p> <p>2 in the second paragraph, it says at the</p> <p>3 end "the plaintiffs" -- the last full</p> <p>4 sentence, "Steven indicated that Shinder</p> <p>5 said he felt that now that he knows the</p> <p>6 level of cooperation between Beltman and</p> <p>7 Cabrera by way of the plaintiffs' local</p> <p>8 counsel, the plaintiffs had functionally</p> <p>9 written Cabrera's report for him while we</p> <p>10 held Cabrera out as an independent expert</p> <p>11 to the world."</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Did Mr. Donziger tell you at</p> <p>15 some point in 2010 that the plaintiffs had</p> <p>16 functionally written Cabrera's report for</p> <p>17 him?</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 THE SPECIAL MASTER: Overruled,</p> <p>20 the waiver ground, and depending on the</p> <p>21 answer perhaps also the crime-fraud</p> <p>22 exception.</p> <p>23 A. I don't recall him stating it</p> <p>24 specifically like that, no.</p> <p>25 Q. Do you recall him using words</p>	<p style="text-align: right;">Page 165</p> <p>1 L. GARR</p> <p>2 A. I understood, I was told by</p> <p>3 Steven, that Stratus had drafted -- I</p> <p>4 don't know that it was ever the full</p> <p>5 report, I never understood that, but large</p> <p>6 sections that were adopted wholly by</p> <p>7 Stratus -- I mean by Cabrera for use in</p> <p>8 his report.</p> <p>9 Q. That's the extent of what</p> <p>10 Mr. Donziger said in substance?</p> <p>11 MR. GOMEZ: Objection.</p> <p>12 THE SPECIAL MASTER: Overruled,</p> <p>13 and now having heard what Donziger said,</p> <p>14 the crime-fraud exception applies to that</p> <p>15 conversation.</p> <p>16 A. That I recall.</p> <p>17 Q. In the next full paragraph, it</p> <p>18 says "I inquired to Steven regarding the</p> <p>19 level of cooperation with Cabrera since I</p> <p>20 had been under the impression that while</p> <p>21 we had turned over voluminous levels of</p> <p>22 materials to Cabrera, some with the</p> <p>23 expectation that they had been adopted,</p> <p>24 that we had not worked directly with him."</p> <p>25 Did you have an understanding</p>

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<p style="text-align: right;">Page 166</p> <p>1 L. GARR</p> <p>2 -- withdrawn.</p> <p>3 Mr. Donziger tell you that</p> <p>4 Stratus and the Ecuadorian Lago Agrio</p> <p>5 plaintiffs' representatives had turned</p> <p>6 over voluminous levels of materials to</p> <p>7 Cabrera but had not worked directly with</p> <p>8 Cabrera?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled,</p> <p>11 on the waiver ground, and when I hear the</p> <p>12 answer it may be on the crime-fraud ground</p> <p>13 as well.</p> <p>14 A. I don't recall that.</p> <p>15 Q. Did Mr. Donziger indicate to</p> <p>16 you that --</p> <p>17 THE SPECIAL MASTER: Excuse me,</p> <p>18 when you say I don't recall that or do you</p> <p>19 mean to the best of your recollection he</p> <p>20 did not say that?</p> <p>21 THE WITNESS: I don't recall</p> <p>22 him ever saying that to me.</p> <p>23 THE SPECIAL MASTER: That is</p> <p>24 the latter of the two things I said?</p> <p>25 THE WITNESS: I'm sorry?</p>	<p style="text-align: right;">Page 168</p> <p>1 L. GARR</p> <p>2 waiver, for the moment.</p> <p>3 Ms. Garr, the question is did</p> <p>4 he say in words or substance what you read</p> <p>5 in the last sentence of that third</p> <p>6 paragraph. That's all he is asking.</p> <p>7 THE WITNESS: Yeah, for the</p> <p>8 first part -- I don't recall, no. I'm</p> <p>9 sorry, there is two pieces to the last</p> <p>10 sentence. I recall that he said he did</p> <p>11 not know under Ecuadorian law and was</p> <p>12 looking into under Ecuadorian law if it</p> <p>13 was permissible or not, and that's going</p> <p>14 to seek the court orders and things of</p> <p>15 that nature.</p> <p>16 And under the U.S. ethical</p> <p>17 rules, I did have -- I do recall having a</p> <p>18 conversation with him regarding just</p> <p>19 generally participating in the case</p> <p>20 regarding U.S. ethical rules.</p> <p>21 THE SPECIAL MASTER: What did</p> <p>22 he say is what he is asking? Did he say</p> <p>23 in words or substance what is said there</p> <p>24 in the second clause?</p> <p>25 THE WITNESS: He said that he</p>
<p style="text-align: right;">Page 167</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: In other</p> <p>3 words, to the best of your recollection he</p> <p>4 did not say that?</p> <p>5 THE WITNESS: He might have</p> <p>6 said that. I don't recall him ever saying</p> <p>7 that to me though.</p> <p>8 Q. Did Mr. Donziger indicate to</p> <p>9 you that while the Lago Agrio plaintiffs'</p> <p>10 representatives and him had not worked</p> <p>11 directly with Cabrera, that Mr. Beltman</p> <p>12 had worked in the area continuously with</p> <p>13 Mr. Cabrera?</p> <p>14 A. No, not that I recall, no.</p> <p>15 Q. At the end of the third full</p> <p>16 paragraph, do you see where it says</p> <p>17 "Steven indicated that this would not</p> <p>18 create an ethical problem under Ecuadorian</p> <p>19 law, but he was unsure as to what impact</p> <p>20 it would have under U.S. ethical rules"?</p> <p>21 Did Mr. Donziger ever say in</p> <p>22 those words or in similar words the same</p> <p>23 thing to you?</p> <p>24 MR. GOMEZ: Objection.</p> <p>25 THE SPECIAL MASTER: Overruled,</p>	<p style="text-align: right;">Page 169</p> <p>1 L. GARR</p> <p>2 was seeking advice as to the impact under</p> <p>3 U.S. ethical rules and advised us to do</p> <p>4 the same.</p> <p>5 Q. Did Mr. Donziger tell you that</p> <p>6 he did not know that Mr. Beltman and</p> <p>7 Stratus were functionally drafting the</p> <p>8 report for Mr. Cabrera?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. I don't recall a conversation</p> <p>12 of that specific nature.</p> <p>13 Q. Did Mr. Donziger say to you</p> <p>14 that it was news to him, that he was</p> <p>15 learning it also for the first time that</p> <p>16 Mr. Beltman and Stratus was functionally</p> <p>17 writing the report for Mr. Cabrera?</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 Q. In those words or words to that</p> <p>20 effect, substance.</p> <p>21 THE SPECIAL MASTER: Overruled.</p> <p>22 A. Not that specific, but he did</p> <p>23 state that he wanted to speak to local</p> <p>24 counsel about what had happened, but he</p> <p>25 didn't -- I did get a sense or he did say</p>

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<p style="text-align: right;">Page 170</p> <p>1 L. GARR</p> <p>2 in words or substance. I don't know</p> <p>3 exactly what took place and I need to find</p> <p>4 out what happened.</p> <p>5 Q. Did you understand him to mean</p> <p>6 that he didn't know that Stratus had</p> <p>7 functionally written the report for</p> <p>8 Mr. Cabrera?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. I guess I think I took it to</p> <p>12 mean he didn't know the level of</p> <p>13 coordination or the document -- how things</p> <p>14 took place or the level of cooperation.</p> <p>15 Q. And on the next page, you see</p> <p>16 on the second page Mr. Woods had advised</p> <p>17 that he was concerned -- "I was concerned</p> <p>18 that the issue might present questions of</p> <p>19 personal liability." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Did you talk to Mr. Woods about</p> <p>22 his concerns regarding personal liability?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 A. Not that I recall, no.</p>	<p style="text-align: right;">Page 172</p> <p>1 L. GARR</p> <p>2 (Plaintiff's Exhibit 2710</p> <p>3 marked for identification.)</p> <p>4 Q. 2710 is a two-page document.</p> <p>5 At the top it is an e-mail exchange</p> <p>6 between Laura Garr and ampage@gmail.com</p> <p>7 dated 3-18-2010, Re: Documents.</p> <p>8 Do you recall being in Ecuador</p> <p>9 at the time of this e-mail exchange,</p> <p>10 Ms. Garr?</p> <p>11 A. I don't. But I see on the</p> <p>12 date, and the travel itinerary, that I was</p> <p>13 in Ecuador at the time.</p> <p>14 Q. The Bates number, just for the</p> <p>15 record, is PLAMP 6226.</p> <p>16 Let me direct your attention to</p> <p>17 the bottom of the e-mail. Directing your</p> <p>18 attention to the 1:34 p.m. e-mail where</p> <p>19 you say you are scanning the following</p> <p>20 documents --</p> <p>21 THE SPECIAL MASTER: Hold on</p> <p>22 one second. Let me try to read it in</p> <p>23 order. Do I start at the bottom here?</p> <p>24 MR. BRODSKY: Yes, start at the</p> <p>25 bottom where it says --</p>
<p style="text-align: right;">Page 171</p> <p>1 L. GARR</p> <p>2 Q. Did you have concerns at the</p> <p>3 time regarding personal liability?</p> <p>4 MR. GOMEZ: Objection.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. No.</p> <p>7 Q. And then it says that "We had a</p> <p>8 duty to inform all parties with an</p> <p>9 interest in the case of the full elements</p> <p>10 of this information and that we should</p> <p>11 cease using the Cabrera report estimates</p> <p>12 as an 'independent expert' opinion</p> <p>13 immediately until we determine the issues</p> <p>14 at hand."</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Did Mr. Donziger say in words</p> <p>18 or substance that you should no longer --</p> <p>19 you and the Lago Agrio plaintiffs' team</p> <p>20 should no longer use the Cabrera -- refer</p> <p>21 to the Cabrera report estimates as an</p> <p>22 independent expert opinion?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 173</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Okay, just</p> <p>3 a second.</p> <p>4 (Witness perusing document.)</p> <p>5 MR. BRODSKY: Why don't I hand</p> <p>6 out 2710B, which is a cleaner, easier</p> <p>7 version to read, Mr. Gitter.</p> <p>8 (Plaintiff's Exhibit 2710B</p> <p>9 marked for identification.)</p> <p>10 MR. BRODSKY: For the record,</p> <p>11 2710B is the metadata version of 2710.</p> <p>12 (Witness perusing document.)</p> <p>13 A. Okay.</p> <p>14 Q. Do you recall scanning</p> <p>15 documents, as you say in this e-mail, "I</p> <p>16 am scanning the following documents</p> <p>17 referenced in the earlier e-mail," and</p> <p>18 then you list a series of documents?</p> <p>19 A. I mean, from reading this, yes,</p> <p>20 but I don't independently recall it.</p> <p>21 Q. Down at the end, it says "There</p> <p>22 are numerous other times when Chevron</p> <p>23 challenges the scope of Cabrera's work,</p> <p>24 timing, and so on. That is the list</p> <p>25 prepared by Julio and there are still</p>

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<p style="text-align: right;">Page 174</p> <p>1 L. GARR</p> <p>2 others."</p> <p>3 By Julio, you mean who?</p> <p>4 A. I assume Julio Prieto.</p> <p>5 Q. The response, do you see where</p> <p>6 it says "Are the meetings with EC law</p> <p>7 professors suspended?" Do you see where</p> <p>8 Mr. Page says that?</p> <p>9 A. Yes.</p> <p>10 Q. "If not, please make sure they</p> <p>11 are regardless of what Steven is saying."</p> <p>12 A. Yes.</p> <p>13 Q. And you respond "Okay. We</p> <p>14 cancelled the one from today. Oyarte got</p> <p>15 back to us, but we are playing phone tag</p> <p>16 (intentionally) and will only say 'moving</p> <p>17 forward we might need assistance on points</p> <p>18 of Ecuadorian law.'"</p> <p>19 What's your understanding of</p> <p>20 why -- what's your understanding of the</p> <p>21 purpose for Mr. Page's instructions to</p> <p>22 cancel any meetings with the Ecuadorian</p> <p>23 law professors?</p> <p>24 MR. GOMEZ: Objection.</p> <p>25 THE SPECIAL MASTER: Overruled.</p>	<p style="text-align: right;">Page 176</p> <p>1 L. GARR</p> <p>2 review it again quickly.</p> <p>3 (Witness perusing document.)</p> <p>4 Q. Directing your attention to --</p> <p>5 A. I'm sorry, I'm on the last</p> <p>6 sentence, sorry, paragraph, I mean.</p> <p>7 (Witness perusing document.)</p> <p>8 A. Okay.</p> <p>9 Q. Directing your attention to</p> <p>10 your e-mail, the part where it says on 5,</p> <p>11 "We have pulled all documents where</p> <p>12 Cabrera has addressed the court."</p> <p>13 Who is the "we" there?</p> <p>14 A. I don't recall. I would be</p> <p>15 guessing again.</p> <p>16 Q. The first point is "Pablo is</p> <p>17 back in the office." Is that a reference</p> <p>18 to Pablo Fajardo?</p> <p>19 A. Yes, I would believe so, yes.</p> <p>20 Q. Were you pulling documents with</p> <p>21 Pablo Fajardo?</p> <p>22 A. I don't know if he was involved</p> <p>23 in the process of pulling documents.</p> <p>24 (Plaintiff's Exhibit 4276</p> <p>25 marked for identification.)</p>
<p style="text-align: right;">Page 175</p> <p>1 L. GARR</p> <p>2 A. I don't recall specifically,</p> <p>3 but I have a vague recollection of there</p> <p>4 being an attempt to set up multiple</p> <p>5 meetings with various experts to use for</p> <p>6 affidavits and filings that I believe were</p> <p>7 either no longer required or somebody else</p> <p>8 already -- they had somebody else lined</p> <p>9 up, and so we would need them in the</p> <p>10 future for various things but there wasn't</p> <p>11 the urgent rush in the same way to obtain</p> <p>12 them, from what I recall.</p> <p>13 (Plaintiff's Exhibit 4220</p> <p>14 marked for identification.)</p> <p>15 Q. I'm showing you 4220, which is</p> <p>16 an e-mail from Aaron Marr Page dated March</p> <p>17 18, 2010 to Laura Garr, subject, Re:</p> <p>18 Moving Forward, and this is subject to the</p> <p>19 502(d) stipulation, Bates numbered</p> <p>20 GARR65707.</p> <p>21 Have you had a chance to review</p> <p>22 this before coming here today?</p> <p>23 A. No, I have not. I'm sorry, I</p> <p>24 might have. This appears to be one of the</p> <p>25 documents I reviewed, but if I could just</p>	<p style="text-align: right;">Page 177</p> <p>1 L. GARR</p> <p>2 Q. This is an e-mail exchange with</p> <p>3 Mr. Page on the next day, March 19th,</p> <p>4 2010, with Laura Garr, subject, Re:</p> <p>5 Seeking An Update, and it is GARR64098.</p> <p>6 Is this one of the documents</p> <p>7 you reviewed before coming here today?</p> <p>8 A. I believe so, yes. Yes.</p> <p>9 Q. Directing your attention to the</p> <p>10 bottom of your e-mail where it says "I</p> <p>11 realize that my original purpose for being</p> <p>12 down here has changed, but I have not been</p> <p>13 updated on what I'm supposed to be doing</p> <p>14 now or how to proceed while here."</p> <p>15 Does this refresh any</p> <p>16 recollection as to what the original</p> <p>17 purpose was?</p> <p>18 MS. PARADISE: You can take a</p> <p>19 minute to read the document, Laura.</p> <p>20 (Witness perusing document.)</p> <p>21 A. No, it doesn't.</p> <p>22 Q. Do you see where it says, in</p> <p>23 the paragraph above that, the second to</p> <p>24 last sentence of that paragraph, "Juampa"?</p> <p>25 Who does Juampa refer to?</p>

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<p style="text-align: right;">Page 178</p> <p>1 L. GARR</p> <p>2 A. Juan Pablo.</p> <p>3 Q. Juan Pablo Saenz?</p> <p>4 A. Yes.</p> <p>5 Q. It says "Juan Pablo Saenz" --</p> <p>6 is that "Julio Prieto"?</p> <p>7 A. Yes.</p> <p>8 Q. -- "have been assisting</p> <p>9 throughout the entire time. The girls</p> <p>10 have been great about pulling all</p> <p>11 documents we request. We have mountains</p> <p>12 of paper now, but I'm not sure what it is</p> <p>13 that you need."</p> <p>14 Was this the pulling of records</p> <p>15 from the court file, from the copies of</p> <p>16 the court file?</p> <p>17 A. I assume so, yes.</p> <p>18 Q. Were there other documents?</p> <p>19 A. No, I would assume it is the</p> <p>20 court file.</p> <p>21 Q. Let's turn to 4222.</p> <p>22 (Plaintiff's Exhibit 4222</p> <p>23 marked for identification.)</p> <p>24 Q. This is a six-page document to</p> <p>25 Rick Kornfeld from Laura Garr dated March</p>	<p style="text-align: right;">Page 180</p> <p>1 L. GARR</p> <p>2 Steven Donziger.</p> <p>3 Q. Do you have a recollection of</p> <p>4 whether it was Mr. Donziger?</p> <p>5 A. I don't have a specific</p> <p>6 recollection of him requesting it, but</p> <p>7 that would be the only person that would</p> <p>8 really direct this.</p> <p>9 Q. Was it the practice at the time</p> <p>10 that the only person who directed you to</p> <p>11 prepare memos for U.S. lawyers was</p> <p>12 Mr. Donziger?</p> <p>13 A. I believe so, yes.</p> <p>14 Q. Looking at this document, what</p> <p>15 were the source or sources of information</p> <p>16 contained within this document, putting</p> <p>17 aside the Lago Agrio court filings? Were</p> <p>18 there any sources for the information</p> <p>19 contained herein other than the Lago Agrio</p> <p>20 court filings?</p> <p>21 A. I didn't finish reading it all.</p> <p>22 Can I have one more minute?</p> <p>23 Q. Sure.</p> <p>24 THE SPECIAL MASTER: You can</p> <p>25 have as much as you want.</p>
<p style="text-align: right;">Page 179</p> <p>1 L. GARR</p> <p>2 25th, 2010 "Re: Cabrera Report."</p> <p>3 A. Yes, I see.</p> <p>4 Q. Did you write this memo to</p> <p>5 Mr. Kornfeld?</p> <p>6 A. I believe so, yes.</p> <p>7 THE SPECIAL MASTER: Hold on.</p> <p>8 Let me read it, please.</p> <p>9 MR. BRODSKY: I'm sorry, your</p> <p>10 Honor.</p> <p>11 (Witness perusing document.)</p> <p>12 Q. Was Rick Kornfeld representing</p> <p>13 the Lago Agrio plaintiffs in the District</p> <p>14 Court of Colorado 1782 proceeding after</p> <p>15 the withdrawal of the Brownstein firm?</p> <p>16 A. I'm so sorry, can you please</p> <p>17 repeat the question?</p> <p>18 Q. Was Rick Kornfeld representing</p> <p>19 the Lago Agrio plaintiffs in the District</p> <p>20 of Colorado in the 1782 proceeding after</p> <p>21 the withdrawal of the Brownstein firm?</p> <p>22 A. I believe so, yes.</p> <p>23 Q. Who, if anyone, asked you to</p> <p>24 prepare this memo to Mr. Kornfeld?</p> <p>25 A. I would guess it would be</p>	<p style="text-align: right;">Page 181</p> <p>1 L. GARR</p> <p>2 THE WITNESS: Okay, thank you.</p> <p>3 (Witness perusing document.)</p> <p>4 A. Okay.</p> <p>5 Q. Putting aside the Lago Agrio</p> <p>6 court filings that are listed in exhibits</p> <p>7 what, if any, other sources of information</p> <p>8 did you have for preparing this memo?</p> <p>9 A. It would be I guess whatever</p> <p>10 was filed in the -- as exhibits in the</p> <p>11 1782 action by Chevron and communications</p> <p>12 with Steven and local counsel.</p> <p>13 Q. By Steven --</p> <p>14 A. Steven Donziger, I'm sorry.</p> <p>15 THE SPECIAL MASTER: By local</p> <p>16 counsel, Ecuadorian --</p> <p>17 THE WITNESS: Ecuadorian</p> <p>18 counsel, I'm sorry, yes.</p> <p>19 Q. Which Ecuadorian local counsel?</p> <p>20 A. Julio Prieto, Juan Pablo Saenz,</p> <p>21 and I assume Pablo Fajardo as well.</p> <p>22 Q. There is the statement at the</p> <p>23 opening to Mr. Kornfeld saying "Richard</p> <p>24 Cabrera Vega is the independent special</p> <p>25 master who was appointed by the Ecuadorian</p>

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<p style="text-align: right;">Page 182</p> <p>1 L. GARR</p> <p>2 court."</p> <p>3 Do you recall prior to this</p> <p>4 time having any conversations with</p> <p>5 Mr. Donziger that raised questions</p> <p>6 regarding whether or not Mr. Cabrera was</p> <p>7 independent?</p> <p>8 A. Not that I recall.</p> <p>9 Q. And then directing your</p> <p>10 attention to the pending questions on the</p> <p>11 third page, it says "Subsequent to the</p> <p>12 formal submission of materials to Cabrera</p> <p>13 in response to the court order, local</p> <p>14 counsel for the plaintiffs had extensive</p> <p>15 ex parte communication with Cabrera and</p> <p>16 provided him with documents for possible</p> <p>17 adoption in his report."</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Do you recall the basis for</p> <p>21 that statement?</p> <p>22 A. I believe from Steven Donziger</p> <p>23 and local counsel, and Ecuadorian counsel.</p> <p>24 Q. It says "U.S.-based counsel was</p> <p>25 aware of these contacts, but generally not</p>	<p style="text-align: right;">Page 184</p> <p>1 L. GARR</p> <p>2 Q. And did he tell you that</p> <p>3 Mr. Donziger, he himself, had communicated</p> <p>4 with Stratus in connection with preparing</p> <p>5 a report to be given to Mr. Cabrera to</p> <p>6 sign?</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 THE SPECIAL MASTER: Overruled.</p> <p>9 A. Not that I recall, no.</p> <p>10 THE SPECIAL MASTER: Now I add</p> <p>11 a crime-fraud to both of those rulings,</p> <p>12 not just waiver.</p> <p>13 Q. And page 6 at the very end --</p> <p>14 do you see on the last two pages, on page</p> <p>15 5 and 6, there are a series of exhibits?</p> <p>16 A. Yes.</p> <p>17 Q. The earliest exhibit of these</p> <p>18 13, let me direct your attention to number</p> <p>19 8, which is an August 17th, 2007 Cabrera</p> <p>20 request for information. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is this a complete list of all</p> <p>23 the Ecuadorian filings relating to</p> <p>24 Cabrera's responsibilities and role?</p> <p>25 A. I don't believe so. Not that I</p>
<p style="text-align: right;">Page 183</p> <p>1 L. GARR</p> <p>2 present."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Who did you mean by U.S.-based</p> <p>6 counsel?</p> <p>7 A. I would assume Steven Donziger.</p> <p>8 Q. Did Mr. Donziger tell you that</p> <p>9 prior to the formal submission of</p> <p>10 materials to Cabrera in response to the</p> <p>11 court order, local counsel had extensive</p> <p>12 ex parte communication with Mr. Cabrera?</p> <p>13 A. I'm sorry?</p> <p>14 Q. Did Mr. Donziger tell you that</p> <p>15 prior to -- your paragraph starts with</p> <p>16 "Subsequent to."</p> <p>17 Did Mr. Donziger tell you that</p> <p>18 prior to the formal submission of</p> <p>19 materials to Cabrera that there was ex</p> <p>20 parte communication between local counsel</p> <p>21 and Cabrera?</p> <p>22 MR. GOMEZ: Objection.</p> <p>23 THE SPECIAL MASTER: Overruled.</p> <p>24 Answer.</p> <p>25 A. Not that I recall.</p>	<p style="text-align: right;">Page 185</p> <p>1 L. GARR</p> <p>2 know. I don't know.</p> <p>3 Q. Did you decide which of these</p> <p>4 you were going to provide to the Kornfeld</p> <p>5 firm -- which of the Cabrera related</p> <p>6 filings to provide to the Kornfeld firm or</p> <p>7 did somebody direct you, select them for</p> <p>8 you?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. No, I don't believe I -- I</p> <p>12 don't believe I was responsible for</p> <p>13 choosing the exhibits.</p> <p>14 Q. Who was responsible for that?</p> <p>15 MR. GOMEZ: Objection.</p> <p>16 THE SPECIAL MASTER: Overruled.</p> <p>17 A. Well, I believe this was</p> <p>18 prepared, I recall, with Steven, but also</p> <p>19 these were just exhibits that were the</p> <p>20 ones that were provided to me in response</p> <p>21 to my request in Ecuador for relevant</p> <p>22 court orders about the documents.</p> <p>23 Q. Who did you make that request</p> <p>24 to?</p> <p>25 A. Julio Prieto, Juan Pablo Saenz,</p>

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<p style="text-align: right;">Page 186</p> <p>1 L. GARR</p> <p>2 and the girls that were handling the</p> <p>3 documents that could assist as well.</p> <p>4 Q. Let me show you Exhibit 4886.</p> <p>5 (Plaintiff's Exhibit 4886</p> <p>6 marked for identification.)</p> <p>7 Q. Which is a document dated July</p> <p>8 12, 2007 to the President of the Superior</p> <p>9 Court of Justice of Nueva Loja directly</p> <p>10 delivered, and it starts with "I, Richard</p> <p>11 Cabrera Vega."</p> <p>12 Let me direct your attention to</p> <p>13 paragraph 1 where it says --</p> <p>14 A. Do I need to read this</p> <p>15 document?</p> <p>16 Q. No, I'm going to direct your</p> <p>17 attention to exactly what we are going to</p> <p>18 talk about.</p> <p>19 A. Okay.</p> <p>20 Q. The paragraph 1 says "As your</p> <p>21 Honor can see in my work plan, there are</p> <p>22 several sites that I have selected for the</p> <p>23 work of taking samples of both the soil</p> <p>24 and the groundwater with the aim of</p> <p>25 ensuring the complete and absolute</p>	<p style="text-align: right;">Page 188</p> <p>1 L. GARR</p> <p>2 Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. Were you provided with this</p> <p>5 document when you were in Ecuador before</p> <p>6 preparing this memorandum on March 25th,</p> <p>7 2010?</p> <p>8 THE SPECIAL MASTER: This</p> <p>9 memorandum you are talking about is 4222?</p> <p>10 MR. BRODSKY: Yes.</p> <p>11 THE SPECIAL MASTER: Think</p> <p>12 transcript, Counsel.</p> <p>13 Q. Were you provided with Exhibit</p> <p>14 107 prior to preparing and while preparing</p> <p>15 Exhibit 4222?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Do you remember being told or</p> <p>18 shown this document reflecting</p> <p>19 Mr. Cabrera's statement that he --</p> <p>20 THE SPECIAL MASTER: By "this</p> <p>21 document," you mean Exhibit 107?</p> <p>22 MR. BRODSKY: 107.</p> <p>23 THE SPECIAL MASTER: Think</p> <p>24 transcript, Counsel.</p> <p>25 Q. -- stating that "I should</p>
<p style="text-align: right;">Page 187</p> <p>1 L. GARR</p> <p>2 impartiality with which I must act in</p> <p>3 carrying out the expert evaluation."</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Was this a document that was --</p> <p>7 this document wasn't pulled for you in</p> <p>8 connection with while you were down in</p> <p>9 Ecuador relating to Cabrera's work?</p> <p>10 A. Not that I recall, no.</p> <p>11 (Plaintiff's Exhibit 107 marked</p> <p>12 for identification.)</p> <p>13 Q. I show you Exhibit 107, which</p> <p>14 is a three-page document, on the front</p> <p>15 says Nueva Loja, July 23rd, 2007, Chief</p> <p>16 Justice of the Superior Court of Justice</p> <p>17 of Nueva Loja, hand-delivered, "I, Richard</p> <p>18 Cabrera Vega."</p> <p>19 Let me direct your attention to</p> <p>20 the third full paragraph where it says "I</p> <p>21 should clarify that I do not have any</p> <p>22 relation or agreements with the plaintiff,</p> <p>23 and it seems to me to be an insult against</p> <p>24 me that I should be linked with the</p> <p>25 attorneys of the plaintiffs."</p>	<p style="text-align: right;">Page 189</p> <p>1 L. GARR</p> <p>2 clarify that I do not have any relation or</p> <p>3 agreements with the plaintiff?"</p> <p>4 A. I do not recall, no.</p> <p>5 Q. And did you -- do you recall</p> <p>6 coming across this document at any time</p> <p>7 while you were working with Mr. Donziger?</p> <p>8 A. I don't recall. Not that I</p> <p>9 recall.</p> <p>10 Q. You learned information,</p> <p>11 correct, that this statement -- you</p> <p>12 learned information in 2010 that the</p> <p>13 statement here -- that shows that the</p> <p>14 statement here is inaccurate, correct?</p> <p>15 THE SPECIAL MASTER: "The</p> <p>16 statement here" is the middle paragraph of</p> <p>17 Exhibit 107, which reads -- would you read</p> <p>18 it, Counsel, please.</p> <p>19 MR. BRODSKY: Yes, your Honor.</p> <p>20 THE SPECIAL MASTER: Just</p> <p>21 remember that the person who is reading</p> <p>22 this transcript has no idea what you are</p> <p>23 talking about when you use the word</p> <p>24 "this."</p> <p>25 MR. BRODSKY: Understood.</p>

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<p style="text-align: right;">Page 190</p> <p>1 L. GARR</p> <p>2 Withdrawn.</p> <p>3 Q. Ms. Garr, you learned</p> <p>4 information, correct, in 2010 that the</p> <p>5 statement by Richard Cabrera Vega on July</p> <p>6 23rd, 2007 that "I should clarify that I</p> <p>7 do not have any relation or agreements</p> <p>8 with the plaintiff" is inaccurate,</p> <p>9 correct?</p> <p>10 MR. GOMEZ: Objection.</p> <p>11 THE SPECIAL MASTER: Overruled.</p> <p>12 A. Yes.</p> <p>13 Q. In any of the meetings that you</p> <p>14 had with Mr. Donziger and the Patton Boggs</p> <p>15 attorneys and the Emery Celli lawyers, did</p> <p>16 anyone raise this statement by Mr. Cabrera</p> <p>17 on July 23rd, 2007 that "I do not have any</p> <p>18 relation or agreements with the</p> <p>19 plaintiff"?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Overruled.</p> <p>22 A. Not that I recall.</p> <p>23 Q. Let me show you Exhibit 108.</p> <p>24 (Plaintiff's Exhibit 108 marked</p> <p>25 for identification.)</p>	<p style="text-align: right;">Page 192</p> <p>1 L. GARR</p> <p>2 108?</p> <p>3 MR. GOMEZ: Objection, asked</p> <p>4 and answered.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. Not that I recall.</p> <p>7 Q. Down at the bottom on paragraph</p> <p>8 6, second sentence, it says "It is clear I</p> <p>9 could not perform a job of this magnitude</p> <p>10 alone and therefore have employed several</p> <p>11 technical officers and experts to perform</p> <p>12 these tasks under my coordination and</p> <p>13 responsibility."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Did you come to learn --</p> <p>17 MS. PARADISE: Slight</p> <p>18 correction to your reading.</p> <p>19 MR. BRODSKY: I'm sorry.</p> <p>20 Withdrawn.</p> <p>21 Q. Directing your attention to the</p> <p>22 page where it says "It is clear that I</p> <p>23 could not perform a job of this magnitude</p> <p>24 alone and have therefore employed several</p> <p>25 technicians and experts to perform these</p>
<p style="text-align: right;">Page 191</p> <p>1 L. GARR</p> <p>2 Q. Exhibit 108 is a document that</p> <p>3 states at the top of the second page</p> <p>4 "Quito, October 11, 2007, Acting Chief</p> <p>5 Judge of the Superior Court of Nueva Loja.</p> <p>6 I, Engineer Richard Cabrera Vega."</p> <p>7 (Witness perusing document.)</p> <p>8 A. Yes.</p> <p>9 Q. Were you provided this</p> <p>10 document, Exhibit 108, prior to or during</p> <p>11 your preparation of Exhibit 4222, your</p> <p>12 memo on March 25th, 2010 to Mr. Kornfeld?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Directing your attention to the</p> <p>15 part 1, clarification of various</p> <p>16 questions, subparagraph 2, do you see</p> <p>17 where it says "I have performed my work</p> <p>18 with absolute impartiality, honesty,</p> <p>19 transparency and professionalism"?</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Did any of the Lago Agrio</p> <p>23 plaintiffs' representatives provide or</p> <p>24 show you this document with Mr. Cabrera's</p> <p>25 statement on October 11th, 2007 in Exhibit</p>	<p style="text-align: right;">Page 193</p> <p>1 L. GARR</p> <p>2 tasks under my coordination and</p> <p>3 responsibility," do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. That sentence that I just read</p> <p>6 in Exhibit 108, did you come to learn that</p> <p>7 Mr. Cabrera did not select those technical</p> <p>8 officers and experts who provided -- who</p> <p>9 were the basis of his report?</p> <p>10 MR. GOMEZ: Objection.</p> <p>11 THE SPECIAL MASTER: Overruled.</p> <p>12 A. That he did not select his</p> <p>13 technical experts? No.</p> <p>14 Q. Let me show you Exhibit 1915.</p> <p>15 (Plaintiff's Exhibit 1915</p> <p>16 marked for identification.)</p> <p>17 Q. This is a three-page document,</p> <p>18 DONZ-HDD0167393 with the top e-mail</p> <p>19 message from</p> <p>20 annmaest@stratusconsulting.com sent April</p> <p>21 1st, 2008 to Steven Donziger, copied to</p> <p>22 Doug Beltman, "Re: For translation,</p> <p>23 please respond ASAP."</p> <p>24 A. Okay.</p> <p>25 Q. Ms. Garr, have you ever seen</p>

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<p style="text-align: right;">Page 194</p> <p>1 L. GARR</p> <p>2 this e-mail exchange -- did you see this</p> <p>3 e-mail exchange in 2010 or prior to 2010?</p> <p>4 A. No, but I haven't read it yet.</p> <p>5 But looking at it, no.</p> <p>6 Q. Please take a moment to read</p> <p>7 it.</p> <p>8 THE SPECIAL MASTER: Take a</p> <p>9 moment to read it.</p> <p>10 (Witness perusing document.)</p> <p>11 A. Okay.</p> <p>12 Q. Directing your attention to the</p> <p>13 second page, do you see the e-mail from</p> <p>14 Cristina Cadena to</p> <p>15 gringograndote@gmail.com?</p> <p>16 A. Yes.</p> <p>17 Q. And then the e-mail from Gringo</p> <p>18 Grande to sdonziger@gmail.com, it is the</p> <p>19 one right above that message on page 2 of</p> <p>20 Exhibit 1915?</p> <p>21 A. Yes.</p> <p>22 Q. Does this refresh any</p> <p>23 recollection that Mr. Donziger used the</p> <p>24 e-mail address of</p> <p>25 gringograndote@gmail.com?</p>	<p style="text-align: right;">Page 196</p> <p>1 L. GARR</p> <p>2 2008?</p> <p>3 A. Yes.</p> <p>4 Q. Are you aware that Cabrera's</p> <p>5 report was filed on April 1st, 2008?</p> <p>6 A. No, I was not working for the</p> <p>7 litigation at this time, and no, I was not</p> <p>8 aware of that.</p> <p>9 THE SPECIAL MASTER: Take a</p> <p>10 look at Exhibit 723, which should be in</p> <p>11 front of you.</p> <p>12 Q. Do you recognize 723 as</p> <p>13 Mr. Cabrera's report?</p> <p>14 A. Yes, I believe it is, yes.</p> <p>15 Q. And the date of that report?</p> <p>16 A. April 1st, 2008 -- or March --</p> <p>17 THE SPECIAL MASTER: Filed?</p> <p>18 THE WITNESS: Filed, I guess</p> <p>19 April 1st, 2008.</p> <p>20 Q. Let me show you 1916 and 1916A,</p> <p>21 which is the e-mail exchange between</p> <p>22 Cristina Cadena to Gringo Grandote, and</p> <p>23 then Gringo Grandote's e-mail to S.</p> <p>24 Donziger.</p> <p>25 (Plaintiff's Exhibit 1916</p>
<p style="text-align: right;">Page 195</p> <p>1 L. GARR</p> <p>2 A. No, not that I recall.</p> <p>3 Q. Did Mr. Donziger ever tell you</p> <p>4 that he was using the</p> <p>5 gringograndote@gmail.com?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Do you see where it says Ann</p> <p>8 Maest? You know who Ann Maest is,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Who is Ann Maest?</p> <p>12 A. I have never met her, but my</p> <p>13 understanding is she was a technical</p> <p>14 expert that worked for Stratus Consulting.</p> <p>15 Q. Do you see Ann Maest's message</p> <p>16 at the top of page 2, "This is a 60-page</p> <p>17 document - very unlikely it can get</p> <p>18 translated today, unless it's already in</p> <p>19 process (Doug?). Let me know if there's a</p> <p>20 summary of the summary. Or maybe the</p> <p>21 Findings document, which is much more to</p> <p>22 the point for the press?"</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. You see the date is April 1st,</p>	<p style="text-align: right;">Page 197</p> <p>1 L. GARR</p> <p>2 marked for identification.)</p> <p>3 (Plaintiff's Exhibit 1916A</p> <p>4 marked for identification.)</p> <p>5 Q. Let me ask you to look at</p> <p>6 1916A, where it says Informe Sumario Del</p> <p>7 Examen Pericial. Compare that first page</p> <p>8 to the third page of 724. Do you have 724</p> <p>9 in front of you?</p> <p>10 A. I do.</p> <p>11 Q. Without doing a detailed word</p> <p>12 by word line, fair to say that it appears</p> <p>13 to be a verbatim copy with the</p> <p>14 exception -- verbatim, 1916A appears to be</p> <p>15 a verbatim copy of the third page --</p> <p>16 starting at the third page of 724 with the</p> <p>17 exception of the handwriting in the upper</p> <p>18 right-hand corner and the stamp in the</p> <p>19 lower right-hand corner?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 Documents speak for themselves.</p> <p>22 THE SPECIAL MASTER: If it is a</p> <p>23 prelude to a follow-up question, then you</p> <p>24 ought to begin with "Do you notice that."</p> <p>25 Okay?</p>

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<p style="text-align: right;">Page 198</p> <p>1 L. GARR</p> <p>2 Q. Do you notice that?</p> <p>3 MR. GOMEZ: Same objection.</p> <p>4 THE SPECIAL MASTER: Overruled.</p> <p>5 A. Yeah, I'm looking just at this</p> <p>6 first and third page, but yes, I notice it</p> <p>7 looks identical except for the changes you</p> <p>8 noted.</p> <p>9 Q. Did Mr. Donziger ever tell you</p> <p>10 when you were in Ecuador that he had sent</p> <p>11 1916A on April 1st, 2008 to Doug Beltman</p> <p>12 and Ann Maest of Stratus?</p> <p>13 A. I assume you mean when I was in</p> <p>14 Ecuador in March of 2010?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. Did he ever tell you that on</p> <p>18 the day the Cabrera report was filed,</p> <p>19 Mr. Donziger was personally communicating</p> <p>20 and providing Stratus information --</p> <p>21 withdrawn.</p> <p>22 Did Mr. Donziger ever tell you</p> <p>23 that he was providing a document that was</p> <p>24 drafted under the name of Richard Cabrera</p> <p>25 on April 1st, 2008 to be given to</p>	<p style="text-align: right;">Page 200</p> <p>1 L. GARR</p> <p>2 impression from talking to him in 2010?</p> <p>3 A. Yes, although -- well, I got</p> <p>4 the impression that he did not recall and</p> <p>5 was speaking with counsel, the Ecuadorian</p> <p>6 counsel, to find out the exchange of</p> <p>7 information with the exception of in 2010</p> <p>8 there was an outtake of a meeting that</p> <p>9 occurred subsequent to all of this where</p> <p>10 it appeared he was present at a meeting.</p> <p>11 Q. And at the time that --</p> <p>12 THE SPECIAL MASTER: I think</p> <p>13 his question was directed to what was</p> <p>14 going on in the transmission of an English</p> <p>15 version of the Cabrera report being</p> <p>16 translated with Mr. Donziger's own e-mail,</p> <p>17 cover e-mail. That's what he was talking</p> <p>18 about.</p> <p>19 THE WITNESS: Yeah, I have</p> <p>20 no -- I was never told about that, no.</p> <p>21 Q. And is it fair to say he gave</p> <p>22 you the opposite impression from your</p> <p>23 conversations with him in 2010 that he did</p> <p>24 not have a personal role in preparing a</p> <p>25 draft or the actual Cabrera report to be</p>
<p style="text-align: right;">Page 199</p> <p>1 L. GARR</p> <p>2 Mr. Cabrera?</p> <p>3 A. No, not that I recall, no.</p> <p>4 Q. And when Mr. Donziger spoke to</p> <p>5 you about the communications between the</p> <p>6 Lago Agrio plaintiffs' representatives and</p> <p>7 Mr. Cabrera, did he ever mention that he</p> <p>8 himself was involved personally in helping</p> <p>9 to communicate information to Mr. Cabrera?</p> <p>10 A. Not that I recall, no.</p> <p>11 Q. In fact, based on your</p> <p>12 conversations with Mr. Donziger, is it</p> <p>13 fair to say that he gave you the opposite</p> <p>14 impression from talking to him in 2010?</p> <p>15 MR. GOMEZ: Objection,</p> <p>16 foundation.</p> <p>17 THE SPECIAL MASTER: No, no,</p> <p>18 no. Objection overruled. Go on. The</p> <p>19 question is proper. Go ahead and answer</p> <p>20 it.</p> <p>21 A. I'm sorry, can you repeat the</p> <p>22 question?</p> <p>23 Q. In fact, based on your</p> <p>24 conversations with Mr. Donziger, is it</p> <p>25 fair to say that he gave you the opposite</p>	<p style="text-align: right;">Page 201</p> <p>1 L. GARR</p> <p>2 provided to Cabrera?</p> <p>3 MR. GOMEZ: Objection,</p> <p>4 privileged and form.</p> <p>5 THE SPECIAL MASTER: Privileged,</p> <p>6 overruled, both on waiver and crime-fraud</p> <p>7 grounds. Form is fine.</p> <p>8 A. I'm so sorry, can you repeat</p> <p>9 it? I'm sorry.</p> <p>10 Q. Is it fair to say Mr. Donziger</p> <p>11 gave you the opposite impression from your</p> <p>12 conversations with him in 2010 that he did</p> <p>13 not have a personal role in preparing a</p> <p>14 draft or the actual Cabrera report to be</p> <p>15 provided to Cabrera?</p> <p>16 A. I don't think he said anything</p> <p>17 that specific, but I did get the</p> <p>18 impression that that was -- that he did</p> <p>19 not participate in that.</p> <p>20 Q. You got that impression that he</p> <p>21 didn't participate in preparing any draft</p> <p>22 with Mr. Cabrera's name on it for</p> <p>23 Mr. Cabrera to sign because he told you</p> <p>24 that he was trying to learn the facts</p> <p>25 about what actually happened in connection</p>

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<p style="text-align: right;">Page 202</p> <p>1 L. GARR</p> <p>2 with Stratus' relationship with</p> <p>3 Mr. Cabrera?</p> <p>4 A. Correct.</p> <p>5 Q. Did there come a time when you</p> <p>6 spoke with Mr. Pablo Fajardo regarding any</p> <p>7 concerns they had about going to jail if</p> <p>8 there was disclosure about the</p> <p>9 interactions between the Lago Agrio</p> <p>10 plaintiffs' representatives and</p> <p>11 Mr. Cabrera?</p> <p>12 MR. GOMEZ: Objection.</p> <p>13 THE SPECIAL MASTER: Overruled.</p> <p>14 A. I recall a conversation in</p> <p>15 Ecuador where they expressed concern</p> <p>16 about -- Pablo Fajardo and with the</p> <p>17 Ecuadorian team expressed concern about</p> <p>18 the formalistic nature of Ecuadorian law</p> <p>19 and how it would be viewed under the</p> <p>20 formal laws of Ecuador, that it could be</p> <p>21 viewed as improper.</p> <p>22 Q. What could be viewed as</p> <p>23 improper you understood from what</p> <p>24 Mr. Fajardo said were the ex parte</p> <p>25 communications between the representatives</p>	<p style="text-align: right;">Page 204</p> <p>1 L. GARR</p> <p>2 referenced in the last question.</p> <p>3 Q. In Ecuador?</p> <p>4 A. In Ecuador.</p> <p>5 Q. And what, if anything, did</p> <p>6 Mr. Donziger say in response?</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 THE SPECIAL MASTER: Overruled.</p> <p>9 A. I don't recall specifically,</p> <p>10 but I recall a conversation discussing</p> <p>11 that and saying that there needed to be --</p> <p>12 instead of guessing about the Ecuadorian</p> <p>13 rules, there needed to be more, you know,</p> <p>14 outreach to Ecuadorian counsel regarding</p> <p>15 the permissibility of the law, and I</p> <p>16 recall there being a conversation, again,</p> <p>17 it was about a formalistic nature of the</p> <p>18 Ecuadorian law and a conversation of what</p> <p>19 happened in practice and him saying I</p> <p>20 don't understand if this was done by the</p> <p>21 parties and this was done by Chevron as</p> <p>22 well, why this is -- why this is so</p> <p>23 impermissible or you are worried it would</p> <p>24 be viewed as impermissible, and just a</p> <p>25 conversation of that nature, of wanting to</p>
<p style="text-align: right;">Page 203</p> <p>1 L. GARR</p> <p>2 of the Lago Agrio plaintiffs and</p> <p>3 Mr. Cabrera?</p> <p>4 A. I don't recall if it was Pablo</p> <p>5 Fajardo, but I do recall a conversation</p> <p>6 with the Ecuadorian team, Julio and Juan</p> <p>7 Pablo and Pablo Fajardo, of, yes, about</p> <p>8 the --</p> <p>9 THE SPECIAL MASTER: To that</p> <p>10 effect?</p> <p>11 THE WITNESS: Yes, to that</p> <p>12 effect, thank you. Thank you.</p> <p>13 Q. Did Mr. Donziger ever inform</p> <p>14 you -- did you have a conversation with</p> <p>15 Mr. Donziger about concerns raised by</p> <p>16 Julio Prieto regarding whether they could</p> <p>17 go to jail if disclosures came out</p> <p>18 regarding the relationship between the</p> <p>19 Lago Agrio plaintiffs' representatives and</p> <p>20 Mr. Cabrera?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. I don't know if the word "jail"</p> <p>24 was ever used, but Steven Donziger was</p> <p>25 present for the conversation that I just</p>	<p style="text-align: right;">Page 205</p> <p>1 L. GARR</p> <p>2 reach out to get further advice from</p> <p>3 Ecuadorian counsel and -- yeah.</p> <p>4 Q. Did anybody -- the participants</p> <p>5 in that conversation were you,</p> <p>6 Mr. Donziger, Julio Prieto, Juan Pablo</p> <p>7 Saenz and Pablo Fajardo?</p> <p>8 A. I believe Aaron Page was there</p> <p>9 as well.</p> <p>10 Q. Mr. Woods was not there?</p> <p>11 A. No, not that I recall.</p> <p>12 Q. Did anybody bring up -- how</p> <p>13 long was this conversation?</p> <p>14 A. On that particular topic?</p> <p>15 Q. On that particular topic.</p> <p>16 A. I don't recall.</p> <p>17 Q. Did anybody bring up --</p> <p>18 THE SPECIAL MASTER: When was</p> <p>19 that conversation? You never asked. When</p> <p>20 are we talking about? March of 2010?</p> <p>21 THE WITNESS: March or April, I</p> <p>22 would assume. It was after the 1782</p> <p>23 filing in Colorado.</p> <p>24 Q. Did anybody raise in that</p> <p>25 conversation or bring up that the Lago</p>

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<p style="text-align: right;">Page 206</p> <p>1 L. GARR</p> <p>2 Agrio plaintiffs' representatives had,</p> <p>3 through Stratus, functionally written the</p> <p>4 report for Mr. Cabrera?</p> <p>5 MR. GOMEZ: Objection.</p> <p>6 THE SPECIAL MASTER: Overruled.</p> <p>7 A. Not that I recall, no.</p> <p>8 (Plaintiff's Exhibit 1625A</p> <p>9 marked for identification.)</p> <p>10 Q. Let me show you Exhibit 1625A,</p> <p>11 which is a one-page e-mail at the top</p> <p>12 which is a translation in English of the</p> <p>13 e-mail on the third page, the e-mail being</p> <p>14 from Julio Prieto to Steven Donziger,</p> <p>15 juanpasaenz@hotmail.com, Luis Yanza, Pablo</p> <p>16 Fajardo Mendoza, subject, Accion de</p> <p>17 Proteccion, date is March 30, 2010.</p> <p>18 If you would take a moment to</p> <p>19 read that and let me know when you are</p> <p>20 finished.</p> <p>21 (Witness perusing document.)</p> <p>22 A. Okay.</p> <p>23 Q. Does this refresh any</p> <p>24 recollection of a conversation with Julio</p> <p>25 Prieto regarding concerns about --</p>	<p style="text-align: right;">Page 208</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: That's</p> <p>3 what I just asked. But I was looking for</p> <p>4 the date.</p> <p>5 A. I mean, I didn't receive this</p> <p>6 e-mail. I have seen it because I believe</p> <p>7 it was in -- it has been referenced in</p> <p>8 filings, but I never received this e-mail,</p> <p>9 so, I mean, other than what I recall and</p> <p>10 have recounted, I don't -- it doesn't</p> <p>11 refresh anything further from this.</p> <p>12 Q. Prior to that, did you read</p> <p>13 newspaper articles referencing this</p> <p>14 e-mail?</p> <p>15 A. I believe so.</p> <p>16 Q. Did you ever have any</p> <p>17 conversations with Julio Prieto where he</p> <p>18 expressed concern that the disclosures</p> <p>19 could result in them going to jail?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 Q. Besides the conversation you</p> <p>22 discussed already.</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 A. Besides the conversation I</p>
<p style="text-align: right;">Page 207</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Wait a</p> <p>3 minute. First order of business, let me</p> <p>4 deal with my smallish concerns about dates</p> <p>5 and times.</p> <p>6 Does this refresh your</p> <p>7 recollection, looking at this e-mail and</p> <p>8 the date of the e-mail, does this help to</p> <p>9 refresh your recollection as to whether</p> <p>10 the conversation you described earlier</p> <p>11 among a larger group in Ecuador that you</p> <p>12 were present was in March or April?</p> <p>13 THE WITNESS: It doesn't, just</p> <p>14 because I don't -- I guess it would be</p> <p>15 around the same time period, but I don't</p> <p>16 know exactly when that conversation was.</p> <p>17 THE SPECIAL MASTER: Okay. Go</p> <p>18 ahead, Counsel.</p> <p>19 Q. Does this refresh any</p> <p>20 recollection of a conversation with Julio</p> <p>21 Prieto where Julio Prieto expressed</p> <p>22 concern regarding potential disclosures of</p> <p>23 the relationship between the Lago Agrio</p> <p>24 plaintiff representatives and Cabrera?</p> <p>25 MR. GOMEZ: Objection.</p>	<p style="text-align: right;">Page 209</p> <p>1 L. GARR</p> <p>2 discussed, which did not -- I don't recall</p> <p>3 him ever using the term "jail" during</p> <p>4 that, but besides that conversation, no.</p> <p>5 Q. Did the concerns about the</p> <p>6 legal consequences of the relationship</p> <p>7 between the Lago Agrio plaintiff</p> <p>8 representatives and Cabrera come up during</p> <p>9 the meeting in New York at Patton Boggs</p> <p>10 where Mr. Fajardo was present?</p> <p>11 MR. GOMEZ: Objection.</p> <p>12 THE SPECIAL MASTER: Overruled.</p> <p>13 A. I don't recall.</p> <p>14 THE SPECIAL MASTER: Once</p> <p>15 again, let's just do it, you know, the</p> <p>16 old-fashioned way.</p> <p>17 You mentioned a meeting at</p> <p>18 Patton Boggs, right?</p> <p>19 THE WITNESS: Uh-huh.</p> <p>20 THE SPECIAL MASTER: And</p> <p>21 approximately when did that occur?</p> <p>22 MR. BRODSKY: We were going to</p> <p>23 get to that.</p> <p>24 THE SPECIAL MASTER: Well, why</p> <p>25 don't we do it in the orderly way so that</p>

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<p style="text-align: right;">Page 210</p> <p>1 L. GARR</p> <p>2 the reader of the transcript knows.</p> <p>3 Approximately when did it</p> <p>4 occur?</p> <p>5 THE WITNESS: I don't recall</p> <p>6 specifically. I know it was subsequent to</p> <p>7 the 1782 filing in Colorado. I don't</p> <p>8 recall how long after.</p> <p>9 THE SPECIAL MASTER: And where</p> <p>10 in Patton Boggs' offices did it take</p> <p>11 place?</p> <p>12 THE WITNESS: It was in a</p> <p>13 conference room.</p> <p>14 THE SPECIAL MASTER: As best</p> <p>15 you can recall, who was present? First</p> <p>16 start with the Patton Boggs people, then</p> <p>17 go on to the next set of people, etc.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 I remember I was present, Steven Donziger</p> <p>20 was present, Pablo Fajardo and Luis were</p> <p>21 present for --</p> <p>22 THE SPECIAL MASTER: Luis</p> <p>23 Yanza?</p> <p>24 THE WITNESS: Luis Yanza and</p> <p>25 Pablo Fajardo were present for a portion,</p>	<p style="text-align: right;">Page 212</p> <p>1 L. GARR</p> <p>2 A. Would you like me to review all</p> <p>3 of it or is there a particular section?</p> <p>4 Q. Well, just looking at the first</p> <p>5 page now which is the e-mail exchange, is</p> <p>6 this the April 7 --</p> <p>7 THE SPECIAL MASTER: Is this</p> <p>8 the meeting you were talking about at the</p> <p>9 Patton Boggs office?</p> <p>10 THE WITNESS: If this is</p> <p>11 where -- if Pablo Fajardo and Luis Yanza</p> <p>12 were there, that's the only meeting that I</p> <p>13 ever recall them being at in Patton Boggs'</p> <p>14 offices. So if they were at this meeting</p> <p>15 on April 7th and 8th, it would have been</p> <p>16 that meeting.</p> <p>17 Q. Do you remember -- does this</p> <p>18 refresh your recollection about having a</p> <p>19 two-day meeting at Patton Boggs' offices?</p> <p>20 A. Other than reading it, no.</p> <p>21 Q. At this meeting that you</p> <p>22 remember where Pablo Fajardo --</p> <p>23 THE SPECIAL MASTER: Why don't</p> <p>24 you ask her to look it over. Looking at</p> <p>25 the agenda may help you answer even these</p>
<p style="text-align: right;">Page 211</p> <p>1 L. GARR</p> <p>2 a portion of the meeting, and I don't</p> <p>3 recall who else was present at that time.</p> <p>4 I know there were --</p> <p>5 THE SPECIAL MASTER: Were Emery</p> <p>6 Celli lawyers present?</p> <p>7 THE WITNESS: I don't recall.</p> <p>8 THE SPECIAL MASTER: Did this</p> <p>9 meeting occur over one day or two days?</p> <p>10 THE WITNESS: I don't recall.</p> <p>11 THE SPECIAL MASTER: Go ahead,</p> <p>12 Counsel.</p> <p>13 BY MR. BRODSKY:</p> <p>14 Q. Let's show you Exhibit 4279,</p> <p>15 which is a six-page document Bates stamped</p> <p>16 DONZ31150 to 31151. It is an e-mail from</p> <p>17 Steven Donziger dated April 6, 2010 to</p> <p>18 Laura Garr, Aaron and Andrew Woods,</p> <p>19 subject, Agenda, April 7 and April 8</p> <p>20 Invictus Meetings, and it attaches a</p> <p>21 multipage agenda for Invictus 2-8-2010</p> <p>22 meetings.</p> <p>23 (Plaintiff's Exhibit 4279</p> <p>24 marked for identification.)</p> <p>25 (Witness perusing document.)</p>	<p style="text-align: right;">Page 213</p> <p>1 L. GARR</p> <p>2 basic questions.</p> <p>3 THE WITNESS: Okay.</p> <p>4 (Witness perusing document.)</p> <p>5 MR. GOMEZ: Excuse me, can we</p> <p>6 take a short break while she does that?</p> <p>7 THE SPECIAL MASTER: Yeah, of</p> <p>8 course.</p> <p>9 THE VIDEOGRAPHER: We are going</p> <p>10 to go off the record --</p> <p>11 THE SPECIAL MASTER: No,</p> <p>12 actually. She is reading the document in</p> <p>13 the course of giving testimony and she is</p> <p>14 in the room. It is only he that is going</p> <p>15 to be out of the room.</p> <p>16 (Mr. Gomez departs the room.)</p> <p>17 (Witness perusing document.)</p> <p>18 MS. PARADISE: One other member</p> <p>19 of your firm joined. Could you just</p> <p>20 clarify that for the record?</p> <p>21 MR. BRODSKY: Yes, for the</p> <p>22 record, Randy Mastro of Gibson Dunn has</p> <p>23 joined us on behalf of Chevron.</p> <p>24 (Witness perusing document.)</p> <p>25 A. Okay.</p>

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<p style="text-align: right;">Page 214</p> <p>1 L. GARR</p> <p>2 Q. Do you recall whether this is</p> <p>3 the meeting, now having looked at the</p> <p>4 agenda, that Pablo Fajardo was present in?</p> <p>5 A. I'm not sure.</p> <p>6 MR. GOMEZ: For the record, I'm</p> <p>7 back in the room.</p> <p>8 MR. BRODSKY: By "I," you mean</p> <p>9 Julio Gomez?</p> <p>10 MR. GOMEZ: Yes.</p> <p>11 THE SPECIAL MASTER: Put your</p> <p>12 microphone on, then. You weren't on the</p> <p>13 record. You were not back on the record.</p> <p>14 Q. Let me direct your attention to</p> <p>15 certain parts of the agenda.</p> <p>16 Do you see the second page of</p> <p>17 the agenda where it discusses Current</p> <p>18 Section 1782 Actions, Denver Action?</p> <p>19 A. Yes.</p> <p>20 Q. Do you see where it says Role</p> <p>21 of Stratus Consulting?</p> <p>22 A. Yes.</p> <p>23 Q. "A. Identification of</p> <p>24 potentially harmful Stratus documents," do</p> <p>25 you see that?</p>	<p style="text-align: right;">Page 216</p> <p>1 L. GARR</p> <p>2 who received Mr. Westenberger's e-mail on</p> <p>3 April 6, 2010 were present.</p> <p>4 MR. GOMEZ: Objection.</p> <p>5 MR. HILLE: Can I say a</p> <p>6 clarification, Mr. Gitter?</p> <p>7 THE SPECIAL MASTER: Sure.</p> <p>8 MR. HILLE: The witness</p> <p>9 testified about a meeting she attended and</p> <p>10 then there have been questions about a</p> <p>11 meeting that is reflected in this</p> <p>12 document, and I just wanted to understand</p> <p>13 if the questions are directed to the</p> <p>14 meeting that the witness attended or the</p> <p>15 meeting reflected in the document, because</p> <p>16 I don't think we have been able to connect</p> <p>17 the two. Is that okay?</p> <p>18 THE SPECIAL MASTER: That's</p> <p>19 fine.</p> <p>20 MR. BRODSKY: Let me do this,</p> <p>21 let's go to 4227.</p> <p>22 (Plaintiff's Exhibit 4227</p> <p>23 marked for identification.)</p> <p>24 Q. 4227 is a three-page document.</p> <p>25 It is an e-mail from juliabrickell@H5.com</p>
<p style="text-align: right;">Page 215</p> <p>1 L. GARR</p> <p>2 A. Yes.</p> <p>3 Q. There was a discussion of</p> <p>4 potentially harmful Stratus documents at</p> <p>5 this meeting at Patton Boggs' offices?</p> <p>6 MR. GOMEZ: Objection.</p> <p>7 THE SPECIAL MASTER: I'm sorry,</p> <p>8 Counsel, I think the first order of</p> <p>9 business is to use the document to help</p> <p>10 identify things like who was present at</p> <p>11 the meeting, and the e-mail may help</p> <p>12 her -- the e-mail addressees may help her</p> <p>13 identify it and then you can go on to</p> <p>14 substance.</p> <p>15 MR. BRODSKY: Understood.</p> <p>16 Q. Directing your attention to the</p> <p>17 first page, the e-mail from Eric</p> <p>18 Westenberger to a number of people, was</p> <p>19 Eric Westenberger present at the meeting?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Overruled.</p> <p>22 A. I don't recall. I don't</p> <p>23 recall.</p> <p>24 Q. Would you go through each of</p> <p>25 those names and tell us which individuals</p>	<p style="text-align: right;">Page 217</p> <p>1 L. GARR</p> <p>2 on April 29, 2010 to Laura Garr at</p> <p>3 Donziger & Associates, with the subject</p> <p>4 line Your Invictus Notes, and it contains</p> <p>5 an attachment of two pages of notes.</p> <p>6 A. Yes.</p> <p>7 Q. These are your notes, Ms. Garr,</p> <p>8 from an Invictus meeting?</p> <p>9 A. They appear to be, yes.</p> <p>10 Q. You recognize the handwriting?</p> <p>11 A. This is my handwriting, yes.</p> <p>12 Q. At the top of the -- and this</p> <p>13 is Exhibit 4227. At the top of the second</p> <p>14 page of Exhibit 4227, it says April 7th,</p> <p>15 2010, Invictus Meeting?</p> <p>16 A. Yes.</p> <p>17 Q. Take a moment, if you would,</p> <p>18 this is one of those documents stamped</p> <p>19 GARR39654.</p> <p>20 Prior to coming here today to</p> <p>21 the deposition, you had read this?</p> <p>22 A. Yes.</p> <p>23 Q. Having read it prior to coming</p> <p>24 here today, does this -- you attended the</p> <p>25 April 7 meeting at Patton Boggs, correct?</p>

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<p style="text-align: right;">Page 218</p> <p>1 L. GARR</p> <p>2 A. Yes, it appears so, yes.</p> <p>3 Q. From looking at these</p> <p>4 handwritten notes, does it help you</p> <p>5 remember who else attended the meeting?</p> <p>6 Start with Patton Boggs.</p> <p>7 A. I do recall -- I'm sorry, I do</p> <p>8 recall a presentation by Doug Beltman that</p> <p>9 was given. I believe Eric Westenberger</p> <p>10 was present. Julia Brickell was present,</p> <p>11 I believe. I believe there were</p> <p>12 representatives of Emery Celli. I don't</p> <p>13 know if it was Ilann Maazel, Jonathan</p> <p>14 Abady or both.</p> <p>15 I don't recall if somebody from</p> <p>16 Motley Rice was present, but I have no</p> <p>17 reason not to believe, I just don't</p> <p>18 recall. Again, Steven Donziger, yes. And</p> <p>19 I don't know still, though, if this was</p> <p>20 the same meeting where Pablo Fajardo and</p> <p>21 Luis Yanza attended.</p> <p>22 THE SPECIAL MASTER: You</p> <p>23 skipped two names on the e-mail list,</p> <p>24 James Tyrrell and Jason Rockwell.</p> <p>25 THE WITNESS: Oh, right. I</p>	<p style="text-align: right;">Page 220</p> <p>1 L. GARR</p> <p>2 Q. That is on page 2 of the</p> <p>3 attachment to Exhibit 4279.</p> <p>4 A. Yes.</p> <p>5 MS. PARADISE: It is</p> <p>6 actually --</p> <p>7 MR. BRODSKY: Page 4 of the</p> <p>8 document, page 2 of the attachment.</p> <p>9 A. (e)(i)(2)?</p> <p>10 Q. Yes, (e)(i)(2)?</p> <p>11 A. (a).</p> <p>12 Q. (a).</p> <p>13 A. Yes.</p> <p>14 Q. What do you remember about the</p> <p>15 discussion of identifying potentially</p> <p>16 harmful Stratus documents at this meeting</p> <p>17 at Patton Boggs?</p> <p>18 A. I don't recall.</p> <p>19 Q. You don't recall one way or the</p> <p>20 other what was discussed?</p> <p>21 A. No.</p> <p>22 Q. In the next part of the</p> <p>23 document, it says "Identification of risks</p> <p>24 associated with Stratus connection with</p> <p>25 Ecuador Special Master Richard Cabrera</p>
<p style="text-align: right;">Page 219</p> <p>1 L. GARR</p> <p>2 don't know who Jason -- I don't remember</p> <p>3 who Jason Rockwell is. I don't know if he</p> <p>4 was present or not.</p> <p>5 And I believe James Tyrrell was</p> <p>6 present for the -- I'm just recalling it</p> <p>7 from the Doug Beltman presentation, I</p> <p>8 believe he was present, but, again, I'm</p> <p>9 not sure.</p> <p>10 Q. Do you have a recollection one</p> <p>11 way or the other whether Mr. Tyrrell was</p> <p>12 present for the other portion of the</p> <p>13 meeting as well that was not Mr. Beltman's</p> <p>14 presentation?</p> <p>15 A. I just don't -- I don't recall.</p> <p>16 I'm sorry.</p> <p>17 Q. Let me direct your attention to</p> <p>18 the agenda item. And keeping your notes</p> <p>19 next to it, do you see where it says -- we</p> <p>20 were talking about where it says</p> <p>21 "identification of potentially harmful</p> <p>22 Stratus documents"?</p> <p>23 A. I saw that before. I think</p> <p>24 I've lost that. Is that -- I'm sorry,</p> <p>25 what page is that again?</p>	<p style="text-align: right;">Page 221</p> <p>1 L. GARR</p> <p>2 Vega." Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. You remember that the risks,</p> <p>5 the topic of the risks associated with</p> <p>6 Stratus' connection with Mr. Cabrera was</p> <p>7 discussed during the Patton Boggs meeting?</p> <p>8 A. I do.</p> <p>9 Q. Who was present for that</p> <p>10 conversation?</p> <p>11 A. Other than what I -- I don't</p> <p>12 recall.</p> <p>13 Q. How long was that conversation;</p> <p>14 do you remember?</p> <p>15 A. I don't.</p> <p>16 Q. Who led that part of the</p> <p>17 conversation?</p> <p>18 A. I don't recall.</p> <p>19 Q. During the discussion, did it</p> <p>20 come up that there was substantial or</p> <p>21 extensive ex parte communications between</p> <p>22 Stratus and Mr. Cabrera?</p> <p>23 MR. GOMEZ: Objection,</p> <p>24 privilege and form.</p> <p>25 THE SPECIAL MASTER: Overruled.</p>

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<p style="text-align: right;">Page 222</p> <p>1 L. GARR</p> <p>2 A. I recall there being discussion</p> <p>3 about the documents being given from</p> <p>4 Stratus to Richard Cabrera for his use in</p> <p>5 the report -- for his use in his damages</p> <p>6 report.</p> <p>7 Q. Who was discussing that?</p> <p>8 A. It was around a conference</p> <p>9 table. It was just generally discussed.</p> <p>10 I don't have a specific recollection of</p> <p>11 people speaking.</p> <p>12 Q. In that context, did people</p> <p>13 talk about specific Stratus documents that</p> <p>14 were potentially harmful?</p> <p>15 MR. GOMEZ: Objection,</p> <p>16 privilege and form.</p> <p>17 THE SPECIAL MASTER: Let me</p> <p>18 look at the question. Overruled.</p> <p>19 A. I don't recall that, no.</p> <p>20 Q. Did people give -- were there</p> <p>21 handouts during this meeting containing</p> <p>22 Stratus documents?</p> <p>23 MR. GOMEZ: Objection, form.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 224</p> <p>1 L. GARR</p> <p>2 Q. Did anyone raise during the</p> <p>3 meeting that one of the risks of full</p> <p>4 disclosure of the Stratus documents was</p> <p>5 the concern by the representatives of the</p> <p>6 Lago Agrio plaintiffs that they might go</p> <p>7 to jail if there is full disclosure of the</p> <p>8 relationship between the representatives</p> <p>9 of Lago Agrio and the plaintiffs and</p> <p>10 Stratus -- and Mr. Cabrera?</p> <p>11 MR. GOMEZ: Objection,</p> <p>12 privileged and form.</p> <p>13 THE SPECIAL MASTER: The form</p> <p>14 is bad. The privilege objection is</p> <p>15 overruled. It is almost compound and it</p> <p>16 is very long. Break it up.</p> <p>17 MR. BRODSKY: I'll withdraw it.</p> <p>18 Q. Did anyone raise during the</p> <p>19 meeting the concern Mr. Prieto raised in</p> <p>20 his e-mail to Mr. Donziger about going to</p> <p>21 jail if there was disclosure of the</p> <p>22 relationship between representatives of</p> <p>23 the Lago Agrio plaintiffs and Mr. Cabrera?</p> <p>24 MR. GOMEZ: Objection,</p> <p>25 privilege.</p>
<p style="text-align: right;">Page 223</p> <p>1 L. GARR</p> <p>2 Q. You don't remember one way or</p> <p>3 the other whether specific documents were</p> <p>4 distributed reflecting communication</p> <p>5 between Stratus and Mr. Cabrera?</p> <p>6 A. Not that I recall any, but I</p> <p>7 just don't recall, but I don't recall any,</p> <p>8 no.</p> <p>9 Q. Do you recall there was a</p> <p>10 strategy put in place to prevent the</p> <p>11 disclosure of potentially harmful Stratus</p> <p>12 documents?</p> <p>13 MR. GOMEZ: Objection.</p> <p>14 THE SPECIAL MASTER: Overruled,</p> <p>15 first, waiver, and let me hear the answer</p> <p>16 and then I will decide about the</p> <p>17 crime-fraud.</p> <p>18 A. I don't recall a strategy to</p> <p>19 not disclose, but I do recall a strategy</p> <p>20 of questions such as privilege and finding</p> <p>21 out, again, you know, finding out relevant</p> <p>22 information under Ecuadorian law and U.S.</p> <p>23 law and under the 1782, again, whether it</p> <p>24 would be permissible if the evidentiary</p> <p>25 period were open, things of that nature.</p>	<p style="text-align: right;">Page 225</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Overruled.</p> <p>3 A. I don't recall if jail was</p> <p>4 discussed. I don't recall that. But I do</p> <p>5 recall there being a discussion about the</p> <p>6 concerns of the permissibility of such</p> <p>7 contact under Ecuadorian law, and that</p> <p>8 Ecuadorian counsel was concerned about</p> <p>9 that.</p> <p>10 Q. Who raised it; do you remember?</p> <p>11 A. I believe Steven raised it, but</p> <p>12 I don't recall.</p> <p>13 Q. At that meeting, did Patton</p> <p>14 Boggs, anybody from Patton Boggs discuss</p> <p>15 the Stratus documents that had been</p> <p>16 reviewed?</p> <p>17 MR. GOMEZ: Objection to form.</p> <p>18 MR. BRODSKY: Withdrawn.</p> <p>19 Q. During that meeting, did you</p> <p>20 understand during the meeting that Patton</p> <p>21 Boggs had reviewed Stratus documents prior</p> <p>22 to that meeting relating to communications</p> <p>23 between Stratus and Mr. Cabrera?</p> <p>24 MR. GOMEZ: Objection,</p> <p>25 privileged.</p>

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<p style="text-align: right;">Page 226</p> <p>1 L. GARR</p> <p>2 MR. HILLE: And to form.</p> <p>3 THE SPECIAL MASTER: The form</p> <p>4 is slightly objectionable, but not in a</p> <p>5 way that the witness can't understand it.</p> <p>6 The privilege objection is overruled for</p> <p>7 the reasons stated before.</p> <p>8 A. I don't -- I don't fully</p> <p>9 understand what Stratus documents means or</p> <p>10 what was discussed. I don't remember -- I</p> <p>11 just don't remember there being particular</p> <p>12 Stratus documents. I don't know what the</p> <p>13 question is referring to or what this is</p> <p>14 referring to. I don't remember Stratus</p> <p>15 documents of any kind.</p> <p>16 Q. Did you take away from the</p> <p>17 meeting that lawyers from Patton Boggs had</p> <p>18 reviewed documents relating to</p> <p>19 communications between representatives of</p> <p>20 the Lago Agrio plaintiffs and Mr. Cabrera?</p> <p>21 MR. GOMEZ: Objection,</p> <p>22 privileged.</p> <p>23 THE SPECIAL MASTER: Overruled.</p> <p>24 A. I don't recall that, no. I</p> <p>25 don't recall.</p>	<p style="text-align: right;">Page 228</p> <p>1 L. GARR</p> <p>2 Q. Do you recognize what 3TM is?</p> <p>3 Are you familiar with 3TM?</p> <p>4 A. It sounds familiar, but I can't</p> <p>5 recall exactly. I think it was scientific</p> <p>6 experts. I'm not sure.</p> <p>7 Q. Let me ask you to turn to the</p> <p>8 last page of the agenda where it says</p> <p>9 Immediate Next Steps. Under number 2 is</p> <p>10 "Strategy for 1782 proceedings." Do you</p> <p>11 see that?</p> <p>12 So on the second to last page,</p> <p>13 I apologize, second to last page.</p> <p>14 A. Okay.</p> <p>15 Q. Do you see where it says</p> <p>16 "Strategy, Immediate Next Steps, strategy</p> <p>17 for 1782 proceedings" under item number 2?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember Mr. Tyrrell</p> <p>20 discussing the strategy for 1782</p> <p>21 proceedings at this meeting?</p> <p>22 A. I recall discussions about 1782</p> <p>23 proceedings.</p> <p>24 Q. Do you remember a discussion of</p> <p>25 strategy in responding to Chevron's 1782</p>
<p style="text-align: right;">Page 227</p> <p>1 L. GARR</p> <p>2 Q. Do you recall a risk associated</p> <p>3 with full disclosure was the -- withdrawn.</p> <p>4 Do you recall one of the topics</p> <p>5 of a risk from full disclosure of the</p> <p>6 Stratus documents -- well, withdrawn.</p> <p>7 Do you recall one of the risks</p> <p>8 discussed at this meeting of disclosing</p> <p>9 documents sought by Chevron in the 1782</p> <p>10 action in the District of Colorado was</p> <p>11 proof of fraud?</p> <p>12 MR. GOMEZ: Objection,</p> <p>13 privileged, form.</p> <p>14 THE SPECIAL MASTER: No, it</p> <p>15 started out as bad form, but it got fixed.</p> <p>16 Privilege is overruled. You were too</p> <p>17 quick, Mr. Gomez.</p> <p>18 A. No, I don't recall that, no.</p> <p>19 Q. Do you see where it talks about</p> <p>20 Texas and other actions on the agenda,</p> <p>21 going down?</p> <p>22 A. Yes.</p> <p>23 Q. Item number 2, "role of 3TM</p> <p>24 International." Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 229</p> <p>1 L. GARR</p> <p>2 proceedings?</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember a part of that</p> <p>5 discussion the strategy was to delay those</p> <p>6 proceedings as long as possible?</p> <p>7 A. No.</p> <p>8 MR. GOMEZ: Objection.</p> <p>9 A. No.</p> <p>10 Q. When you say no, you don't</p> <p>11 remember one way or the other, or you</p> <p>12 remember it wasn't discussed?</p> <p>13 A. I don't recall that being</p> <p>14 discussed.</p> <p>15 Q. Do you see where it says</p> <p>16 "potential meeting with plaintiffs</p> <p>17 abroad"?</p> <p>18 A. No.</p> <p>19 Q. Number 5 under Immediate Next</p> <p>20 Steps.</p> <p>21 A. Yes.</p> <p>22 Q. Are you aware of a meeting --</p> <p>23 what's your understanding of what that</p> <p>24 means; do you know?</p> <p>25 A. I believe it was a desire for</p>

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<p style="text-align: right;">Page 230</p> <p>1 L. GARR</p> <p>2 other U.S. counsel that was present at the</p> <p>3 meeting to speak with the Ecuadorian --</p> <p>4 oh, plaintiffs abroad, I recall there</p> <p>5 being a desire to speak with Ecuadorian</p> <p>6 counsel directly, and I don't know if it</p> <p>7 was potentially to actually meet with the</p> <p>8 plaintiffs as well. I don't know.</p> <p>9 Q. Does that refresh your</p> <p>10 recollection that at this meeting at</p> <p>11 Patton Boggs, given that there was a</p> <p>12 discussion about the desire to meet with</p> <p>13 Ecuadorian counsel, that Pablo Fajardo was</p> <p>14 not present, this is not the conversation</p> <p>15 that you are recalling where Pablo Fajardo</p> <p>16 was present in New York where there was a</p> <p>17 discussion of concerns relating to the</p> <p>18 disclosures in the 1782 proceeding in</p> <p>19 Denver?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Well, if</p> <p>22 the objection is as to form, I agree,</p> <p>23 because the word that -- I don't know what</p> <p>24 the reference is -- what the word "that"</p> <p>25 refers to in that question. And it is</p>	<p style="text-align: right;">Page 232</p> <p>1 L. GARR</p> <p>2 "goal" --</p> <p>3 A. On the first page?</p> <p>4 Q. On the first page of your</p> <p>5 notes. Do you see where it says Roman</p> <p>6 numeral I, Background, and then below it,</p> <p>7 there are two asterisks and then there is</p> <p>8 a fourth dash with the word "goal"?</p> <p>9 A. Yes.</p> <p>10 Q. And it says "cleanest judgment</p> <p>11 and quickest enforcement"?</p> <p>12 A. Yes, I see that.</p> <p>13 Q. What did you mean by that,</p> <p>14 "cleanest judgment"?</p> <p>15 MR. GOMEZ: Objection.</p> <p>16 THE SPECIAL MASTER: Privilege,</p> <p>17 form, what?</p> <p>18 MR. GOMEZ: Privilege.</p> <p>19 THE SPECIAL MASTER: Overruled.</p> <p>20 A. I don't recall now. This looks</p> <p>21 like a list of things that were being</p> <p>22 discussed at the meeting, so I assume I</p> <p>23 was capturing that as something that was</p> <p>24 being stated.</p> <p>25 Q. Do you see where it says, a few</p>
<p style="text-align: right;">Page 231</p> <p>1 L. GARR</p> <p>2 compound. Just fix it, please.</p> <p>3 Q. You recall a discussion at this</p> <p>4 meeting at Patton Boggs that there was a</p> <p>5 desire to speak with Ecuadorian counsel</p> <p>6 directly, correct?</p> <p>7 THE SPECIAL MASTER: That's</p> <p>8 what she just said.</p> <p>9 A. Yeah, I do recall that.</p> <p>10 Q. Ecuadorian counsel includes</p> <p>11 Pablo Fajardo, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Does that refresh any memory</p> <p>14 that Pablo Fajardo was not present when</p> <p>15 there was that express desire by lawyers</p> <p>16 in the United States to meet with the</p> <p>17 Ecuadorian representatives?</p> <p>18 A. That would make sense, although</p> <p>19 I don't know if this means meeting</p> <p>20 directly with the plaintiffs, as in the</p> <p>21 indigenous communities, then it might --</p> <p>22 it might mean something different.</p> <p>23 Q. Let me ask you to turn to your</p> <p>24 handwritten notes on the first page on</p> <p>25 4227 where it says, in the middle of it,</p>	<p style="text-align: right;">Page 233</p> <p>1 L. GARR</p> <p>2 lines below, three lines below, "fully</p> <p>3 disclose to judge in Ecuador to cleanse</p> <p>4 record"; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Were you writing down what</p> <p>7 somebody else was saying?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. Do you know who said that?</p> <p>10 A. I don't know specifically, no.</p> <p>11 Q. And do you have an</p> <p>12 understanding of what you meant by "fully</p> <p>13 disclose to the judge in Ecuador"?</p> <p>14 MR. GOMEZ: Objection.</p> <p>15 THE SPECIAL MASTER: Overruled.</p> <p>16 By the way, apart from the other reasons I</p> <p>17 have articulated for overruling privilege</p> <p>18 objections is this, when this document was</p> <p>19 introduced and first questioned about,</p> <p>20 there was not an objection to it on the</p> <p>21 grounds of privilege. Any privilege that</p> <p>22 might have attached to this document, and</p> <p>23 I don't think it does, was waived again by</p> <p>24 that failure to object to it.</p> <p>25 Therefore, it is perfectly</p>

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<p style="text-align: right;">Page 234</p> <p>1 L. GARR</p> <p>2 appropriate to be asking the witness about</p> <p>3 the portions of the document which are not</p> <p>4 necessarily comprehensible because they</p> <p>5 are handwritten notes, and the first thing</p> <p>6 you can ask always about handwritten notes</p> <p>7 is what did you mean by such and such.</p> <p>8 Go on.</p> <p>9 A. I'm sorry, can you repeat your</p> <p>10 question?</p> <p>11 Q. What did you mean by the words</p> <p>12 "fully disclose to judge in Ecuador"?</p> <p>13 A. I believe this was, again,</p> <p>14 capturing discussions of the desire to</p> <p>15 make sure the record in Ecuador had a</p> <p>16 full -- contained a full description of</p> <p>17 the contact between the plaintiffs'</p> <p>18 attorneys and Richard Cabrera.</p> <p>19 Q. And was there a discussion of</p> <p>20 those contacts at this meeting?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: That's</p> <p>23 overruled for the previous reasons. By</p> <p>24 the way, my point before about asking a</p> <p>25 witness about what does this mean applies</p>	<p style="text-align: right;">Page 236</p> <p>1 L. GARR</p> <p>2 Q. Do you see the part where it</p> <p>3 says "to cleanse record"? What did you</p> <p>4 mean by "to cleanse record"?</p> <p>5 MR. GOMEZ: Same objection, to</p> <p>6 preserve.</p> <p>7 THE SPECIAL MASTER: Overruled.</p> <p>8 A. I believe I was capturing other</p> <p>9 people's phrasing, but what I understand</p> <p>10 it to mean was to ensure that the record</p> <p>11 had -- that there was, again, full</p> <p>12 disclosure in the record about any</p> <p>13 submission of materials or contacts so</p> <p>14 that the record contained a full</p> <p>15 description of any communications or any</p> <p>16 collaboration with Richard Cabrera.</p> <p>17 Q. Was there an acknowledgment at</p> <p>18 this meeting that there hadn't been full</p> <p>19 disclosure to the Ecuadorian court</p> <p>20 regarding the contacts between the</p> <p>21 representatives of the Ecuadorian Lago</p> <p>22 Agrio plaintiffs and Cabrera?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 A. I don't recall that. I know --</p>
<p style="text-align: right;">Page 235</p> <p>1 L. GARR</p> <p>2 also to not only your own handwritten</p> <p>3 notes, but the notes of somebody whose</p> <p>4 handwriting you know, or what's your</p> <p>5 understanding of it.</p> <p>6 MS. PARADISE: Do you need the</p> <p>7 question repeated?</p> <p>8 THE WITNESS: I do, I'm sorry.</p> <p>9 Q. Was there a discussion of the</p> <p>10 contact between the plaintiffs' attorneys</p> <p>11 and Richard Cabrera?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. What do you remember about that</p> <p>14 discussion?</p> <p>15 MR. GOMEZ: Objection.</p> <p>16 THE SPECIAL MASTER: Overruled,</p> <p>17 waiver so far. We will hear the answer</p> <p>18 and there may be crime-fraud as well.</p> <p>19 A. Again, I'm actually -- I know</p> <p>20 there was a discussion regarding</p> <p>21 submitting documents that were drafted by</p> <p>22 Stratus to be adopted by Cabrera. I don't</p> <p>23 recall if this was the meeting or not</p> <p>24 where Pablo and Luis attended, so I'm not</p> <p>25 sure.</p>	<p style="text-align: right;">Page 237</p> <p>1 L. GARR</p> <p>2 I recall it being more of a discussion of</p> <p>3 if the record does not fully reflect it,</p> <p>4 it should fully reflect it and make sure</p> <p>5 that everything is fully disclosed.</p> <p>6 Q. It says at the top "reconsider</p> <p>7 Cabrera report," do you see that, with an</p> <p>8 asterisk?</p> <p>9 A. I do.</p> <p>10 Q. What did you mean by</p> <p>11 "reconsider Cabrera report" in your notes?</p> <p>12 MR. GOMEZ: Objection, to</p> <p>13 preserve.</p> <p>14 THE SPECIAL MASTER: Overruled.</p> <p>15 A. Again, I probably was just</p> <p>16 writing the phrasing as it was being</p> <p>17 stated by others, but I think there was --</p> <p>18 I do recall discussion of one of the</p> <p>19 concerns was the weight, if any, that</p> <p>20 would be given to the Cabrera report and a</p> <p>21 discussion of -- and I think what came out</p> <p>22 of one of the things from the meeting was</p> <p>23 as part of the risks was that the damages</p> <p>24 report might not be given as much weight</p> <p>25 or might not be accepted, in which case</p>

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<p style="text-align: right;">Page 238</p> <p>1 L. GARR</p> <p>2 how to -- how to proceed with a different</p> <p>3 damage report.</p> <p>4 Q. Was there a plan as a result of</p> <p>5 that meeting to proceed with a different</p> <p>6 damages report?</p> <p>7 MR. GOMEZ: Objection,</p> <p>8 privilege.</p> <p>9 THE SPECIAL MASTER: Overruled.</p> <p>10 A. There was at some point. I</p> <p>11 don't know if it came from this meeting</p> <p>12 specifically.</p> <p>13 Q. At the bottom of your notes you</p> <p>14 have "get copies of CD to all people,"</p> <p>15 with brackets, "AW." What did you mean by</p> <p>16 "get copies of CD to all people"?</p> <p>17 A. I don't know.</p> <p>18 Q. You don't know what copies you</p> <p>19 are talking about?</p> <p>20 A. No.</p> <p>21 Q. And AW, do you know if that is</p> <p>22 a reference to Andrew Woods?</p> <p>23 A. I would assume, but I don't</p> <p>24 know.</p> <p>25 MR. BRODSKY: This would be a</p>	<p style="text-align: right;">Page 240</p> <p>1 L. GARR</p> <p>2 Q. Do you recall generally after</p> <p>3 the Patton Boggs meeting on April 7th and</p> <p>4 April 8th, 2010 going to Ecuador?</p> <p>5 A. No.</p> <p>6 Q. Let me show you Exhibit 4284.</p> <p>7 (Plaintiff's Exhibit 4284</p> <p>8 marked for identification.)</p> <p>9 Q. 4284, the first four pages are</p> <p>10 Bates numbered DONZ-HDD-4621 to 4624, and</p> <p>11 at the top it says Dear Fellow Counsel.</p> <p>12 The metadata appears on page 5 and it</p> <p>13 continues for the rest of the document.</p> <p>14 The metadata reflects the document was</p> <p>15 created on April 17th, 2010 and that the</p> <p>16 author was Steven R. Donziger.</p> <p>17 A. Okay.</p> <p>18 Q. Did you ever see this document</p> <p>19 before?</p> <p>20 A. Can I have a chance to look at</p> <p>21 it?</p> <p>22 Q. Sure.</p> <p>23 (Witness perusing document.)</p> <p>24 Q. My questions will be on page 1</p> <p>25 and page 2, Ms. Garr, so when you finish</p>
<p style="text-align: right;">Page 239</p> <p>1 L. GARR</p> <p>2 good time for a break, Mr. Gitter, to</p> <p>3 change the tape.</p> <p>4 THE SPECIAL MASTER: That's</p> <p>5 fine.</p> <p>6 THE VIDEOGRAPHER: Then we will</p> <p>7 go off the video record. The time is</p> <p>8 p.m.</p> <p>9 (Recess taken.)</p> <p>10 THE VIDEOGRAPHER: We are back</p> <p>11 on the record. The time is 3:13 p.m.</p> <p>12 This is the beginning of disk four.</p> <p>13 BY MR. BRODSKY:</p> <p>14 Q. Ms. Garr, let me show you 4267</p> <p>15 once again which reflect your migration</p> <p>16 records and entry into Ecuador.</p> <p>17 Directing your attention to</p> <p>18 April 12th to April 15th, 2010, do you see</p> <p>19 that there?</p> <p>20 A. I do.</p> <p>21 Q. Do you recall after this</p> <p>22 meeting at Patton Boggs on April 7th and</p> <p>23 April 8th, 2010 going to Ecuador within a</p> <p>24 week?</p> <p>25 A. I don't.</p>	<p style="text-align: right;">Page 241</p> <p>1 L. GARR</p> <p>2 the first two pages --</p> <p>3 A. Okay, I finished the first two</p> <p>4 pages. I haven't reviewed at all the</p> <p>5 remaining pages, though. So if I don't</p> <p>6 need to, I won't.</p> <p>7 Q. Just based on the first two</p> <p>8 pages, have you seen this document before?</p> <p>9 A. I don't know if I've seen this</p> <p>10 document. I don't recall.</p> <p>11 Q. From looking at the first two</p> <p>12 pages, did you draft any part of it?</p> <p>13 A. No, not that I recall, no.</p> <p>14 Q. Did you observe Mr. Donziger</p> <p>15 drafting any part of it?</p> <p>16 A. No, not that I recall.</p> <p>17 Q. The metadata shows -- reflects</p> <p>18 that it was on April 17th, 2012, and</p> <p>19 directing your attention to your migration</p> <p>20 records which show you in Quito from April</p> <p>21 12th to April 15th, and let me ask you to</p> <p>22 look at the second sentence of this, which</p> <p>23 says --</p> <p>24 A. Of the first page?</p> <p>25 Q. Which is Exhibit 4284, the</p>

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<p style="text-align: right;">Page 242</p> <p>1 L. GARR</p> <p>2 first page, "I was accompanied by Laura</p> <p>3 Garr and Aaron Page." Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Does this refresh any</p> <p>6 recollection that you, Mr. Page and</p> <p>7 Mr. Donziger were in Ecuador within a week</p> <p>8 of the meeting at Patton Boggs on April</p> <p>9 7th and April 8th?</p> <p>10 MR. GOMEZ: Objection, form.</p> <p>11 THE SPECIAL MASTER: Overruled.</p> <p>12 Go ahead, answer the question.</p> <p>13 A. By the dates, again, I don't</p> <p>14 have an independent recollection, but it</p> <p>15 seems that that is correct that there was</p> <p>16 a meeting and that I did go to Ecuador.</p> <p>17 Q. In this document, it says in</p> <p>18 the first paragraph "As you know, I was in</p> <p>19 Ecuador last week where I spent several</p> <p>20 hours meeting with local counsel and</p> <p>21 conducting due diligence on Ecuador law</p> <p>22 issues and the trial record as they relate</p> <p>23 to the Aguinda case."</p> <p>24 Were you in Ecuador in April</p> <p>25 2010 with Mr. Donziger spending time</p>	<p style="text-align: right;">Page 244</p> <p>1 L. GARR</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you remember doing that in</p> <p>4 March or April 2010 in Ecuador?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember, putting aside</p> <p>7 the date, in some trip to Ecuador in March</p> <p>8 or April 2010 analyzing the status of the</p> <p>9 Aguinda case?</p> <p>10 A. I'm not quite sure what that</p> <p>11 means, analyzing the status of the Aguinda</p> <p>12 case.</p> <p>13 Q. Did you discuss with</p> <p>14 Mr. Donziger and local counsel in March or</p> <p>15 April 2010 the Aguinda case while in</p> <p>16 Ecuador?</p> <p>17 A. Presumably. I don't know.</p> <p>18 Yes.</p> <p>19 Q. Did you, during that same</p> <p>20 period of time in Ecuador analyze how</p> <p>21 information obtained by Chevron through</p> <p>22 the 1782 proceedings could impact -- or</p> <p>23 could impose risks for the case itself?</p> <p>24 MR. GOMEZ: Objection.</p> <p>25 THE SPECIAL MASTER: What is</p>
<p style="text-align: right;">Page 243</p> <p>1 L. GARR</p> <p>2 meeting with local counsel and conducting</p> <p>3 due diligence on Ecuador law issues?</p> <p>4 MS. PARADISE: Objection to</p> <p>5 form. It is compound.</p> <p>6 THE SPECIAL MASTER: It is</p> <p>7 slightly compound, but it is all right.</p> <p>8 A. I'm sorry, the date you said</p> <p>9 would be April 10th. Was I in Ecuador on</p> <p>10 April 10th?</p> <p>11 Q. Your migration records, which</p> <p>12 is Exhibit --</p> <p>13 A. Indicate that I was there from</p> <p>14 the 12th to the 15th.</p> <p>15 Q. -- show you were there from the</p> <p>16 12th to the 15th.</p> <p>17 A. I don't have an independent</p> <p>18 recollection, but I would believe that</p> <p>19 these would be correct, which would mean</p> <p>20 no, I was not in Ecuador on April 10th.</p> <p>21 Q. The question is, Ms. Garr,</p> <p>22 during your trip to Ecuador from April</p> <p>23 12th to April 15th, did you spend time</p> <p>24 with local counsel conducting due</p> <p>25 diligence on Ecuador law issues?</p>	<p style="text-align: right;">Page 245</p> <p>1 L. GARR</p> <p>2 the nature of the objection?</p> <p>3 MR. GOMEZ: Privilege and form.</p> <p>4 THE SPECIAL MASTER: The form</p> <p>5 is not good. Rephrase it. The privilege</p> <p>6 objection I will deal with when the form</p> <p>7 is better.</p> <p>8 Q. So my questions, the next few</p> <p>9 questions, will relate to the period of</p> <p>10 March and April of 2010 during a trip that</p> <p>11 you took to Ecuador with Mr. Page and</p> <p>12 Mr. Donziger.</p> <p>13 During that period of time in</p> <p>14 Ecuador, did you have a conversation</p> <p>15 with -- participate in a discussion</p> <p>16 regarding the impact of disclosures to</p> <p>17 Chevron in the 1782 proceedings on the</p> <p>18 Lago Agrio case in Ecuador?</p> <p>19 MR. GOMEZ: Objection.</p> <p>20 THE SPECIAL MASTER: Is that a</p> <p>21 privilege objection?</p> <p>22 MR. GOMEZ: Both form and</p> <p>23 privilege.</p> <p>24 THE SPECIAL MASTER: The form</p> <p>25 is slightly better, maybe enough better so</p>

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<p style="text-align: right;">Page 246</p> <p>1 L. GARR</p> <p>2 that I can let it go and see if she can</p> <p>3 answer it.</p> <p>4 And on the privilege objection,</p> <p>5 it is overruled on the waiver ground. We</p> <p>6 will hear what the answer is and then</p> <p>7 decide whether or not crime-fraud is</p> <p>8 implicated also.</p> <p>9 THE WITNESS: Okay, I'm so</p> <p>10 sorry to do this, is there a way to just</p> <p>11 read it back.</p> <p>12 (The record was read.)</p> <p>13 A. Yes.</p> <p>14 Q. What did you discuss?</p> <p>15 MR. GOMEZ: Objection.</p> <p>16 THE SPECIAL MASTER: I'm sorry,</p> <p>17 what was the question?</p> <p>18 MR. BRODSKY: What did you</p> <p>19 discuss. Describe the discussion. She</p> <p>20 said yes.</p> <p>21 THE SPECIAL MASTER: Did we</p> <p>22 identify with whom?</p> <p>23 MR. BRODSKY: Withdrawn.</p> <p>24 Q. Who was present for the</p> <p>25 conversation?</p>	<p style="text-align: right;">Page 248</p> <p>1 L. GARR</p> <p>2 A. It was stated, it came up in</p> <p>3 the context of a distinction between what</p> <p>4 happened in practice versus the written</p> <p>5 law, and just in the question, again, I</p> <p>6 was referencing earlier where Steven asked</p> <p>7 how if this is what the practice was</p> <p>8 between both parties that it would be</p> <p>9 something that would be deemed improper,</p> <p>10 and the response from Ecuadorian counsel</p> <p>11 was Ecuadorian law was not like the U.S.</p> <p>12 law, it was much more formalistic and it</p> <p>13 doesn't matter in practice so much as if</p> <p>14 the law says something specific that there</p> <p>15 could be an issue raised.</p> <p>16 Q. Is it fair to say that during</p> <p>17 this conversation there was an agreement</p> <p>18 that Cabrera had violated his duties to</p> <p>19 the court?</p> <p>20 MR. GOMEZ: Objection.</p> <p>21 THE SPECIAL MASTER: Overruled.</p> <p>22 MR. HILLE: Could we just hear</p> <p>23 it again, please.</p> <p>24 (The record was read.)</p> <p>25 MR. HILLE: I object to the</p>
<p style="text-align: right;">Page 247</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: There you</p> <p>3 go.</p> <p>4 A. I believe this was the</p> <p>5 conversation I was discussing before</p> <p>6 between local Ecuadorian counsel, where</p> <p>7 Aaron Page was present, Steven Donziger,</p> <p>8 discussing where Julio Prieto raised the</p> <p>9 concerns about -- and Julio Prieto and</p> <p>10 Juan Pablo Saenz and Pablo Fajardo were</p> <p>11 discussing their concerns under Ecuadorian</p> <p>12 law of the document submission to Cabrera</p> <p>13 or the disclosure of that under 1782.</p> <p>14 Q. You said that, page 199 of the</p> <p>15 transcript, line 20, through page 200,</p> <p>16 line 3, you said that "Pablo Fajardo and</p> <p>17 with the Ecuadorian team expressed concern</p> <p>18 about the formalistic nature of Ecuadorian</p> <p>19 law and how it would be viewed under the</p> <p>20 formal laws of Ecuador, that it could be</p> <p>21 viewed as improper."</p> <p>22 Do you remember that?</p> <p>23 A. Yes.</p> <p>24 Q. What did you mean by "the</p> <p>25 formalistic nature of Ecuadorian law"?</p>	<p style="text-align: right;">Page 249</p> <p>1 L. GARR</p> <p>2 form.</p> <p>3 THE SPECIAL MASTER: That is</p> <p>4 overruled.</p> <p>5 A. I don't know that there was an</p> <p>6 agreement that there had been a violation.</p> <p>7 There was a concern raised that because</p> <p>8 of, again, the formalistic nature, and I'm</p> <p>9 a little, again, hazy on the details, but</p> <p>10 the mechanism by which this case was</p> <p>11 brought kind of exceeded the</p> <p>12 traditional -- pardon my inarticulate</p> <p>13 answer here, but my understanding at the</p> <p>14 time was that it was discussed that the</p> <p>15 formalistic nature of the laws with the</p> <p>16 parties and what was happening in practice</p> <p>17 on both sides, if a challenge was raised,</p> <p>18 a court could stick to the formalistic</p> <p>19 nature despite the practice of the</p> <p>20 parties.</p> <p>21 I mean, it wasn't an agreement</p> <p>22 that they said it definitely would go this</p> <p>23 way, but it was raised that there was a</p> <p>24 potential that it could be viewed that way</p> <p>25 if brought under Ecuadorian law.</p>

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<p style="text-align: right;">Page 250</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: I'm sorry,</p> <p>3 I think the question was this: The</p> <p>4 question was related to whether there was</p> <p>5 an agreement or not related to the fact</p> <p>6 that Cabrera had certain duties to the</p> <p>7 court, some of which he spelled out and</p> <p>8 said he had performed, and the fact or the</p> <p>9 possibility that he violated those duties.</p> <p>10 So are you saying -- you've</p> <p>11 used the word "formalistic nature"</p> <p>12 repeatedly. So is it formalistic? Put it</p> <p>13 this way: Was there a discussion that</p> <p>14 violating a duty to the court when you</p> <p>15 have said something to the court is</p> <p>16 nothing but a formalistic issue?</p> <p>17 MR. GOMEZ: Objection to form.</p> <p>18 THE SPECIAL MASTER: Yeah, you</p> <p>19 are right. You are right. I withdraw it.</p> <p>20 THE WITNESS: That particular</p> <p>21 issue didn't -- I'm sorry.</p> <p>22 MS. PARADISE: There is not a</p> <p>23 question.</p> <p>24 THE SPECIAL MASTER: Put it</p> <p>25 this way: The question really was about</p>	<p style="text-align: right;">Page 252</p> <p>1 L. GARR</p> <p>2 representatives, that that could</p> <p>3 violate -- that did violate his duties as</p> <p>4 a court-appointed expert to the court?</p> <p>5 MS. PARADISE: Objection to</p> <p>6 form.</p> <p>7 MR. GOMEZ: Objection,</p> <p>8 privileged.</p> <p>9 THE SPECIAL MASTER: Overruled,</p> <p>10 both. Go ahead, answer the question.</p> <p>11 A. I don't recall any discussions</p> <p>12 about Stratus -- about Cabrera's assertion</p> <p>13 to the court. I recall just discussions</p> <p>14 about the submission of documents and any</p> <p>15 contact with him, whether or not that</p> <p>16 would be deemed proper.</p> <p>17 I don't recall any</p> <p>18 conversations related to Cabrera's</p> <p>19 statements before the court.</p> <p>20 Q. And did anybody say, as</p> <p>21 Mr. Donziger says in this April 17th, 2010</p> <p>22 letter to Dear Fellow Counsel, last</p> <p>23 sentence, first page, "By working so</p> <p>24 closely with our local counsel and</p> <p>25 Stratus, Cabrera violated his duties to</p>
<p style="text-align: right;">Page 251</p> <p>1 L. GARR</p> <p>2 did he violate the duties to the court,</p> <p>3 was that discussed? And if you can leave</p> <p>4 out the word "formalistic" in your answer.</p> <p>5 MR. GOMEZ: And privilege, to</p> <p>6 preserve.</p> <p>7 THE SPECIAL MASTER: I'm sorry?</p> <p>8 MR. GOMEZ: Objection,</p> <p>9 privilege, to preserve the record. I'm</p> <p>10 objecting.</p> <p>11 THE SPECIAL MASTER: And for</p> <p>12 the record, you are overruled again.</p> <p>13 THE WITNESS: There was --</p> <p>14 there was a discussion about how it could</p> <p>15 be viewed under Ecuadorian law and that it</p> <p>16 could be deemed improper. There wasn't a</p> <p>17 specific discussion about -- that I was a</p> <p>18 part of or recall about the specific roles</p> <p>19 of Cabrera or his role with the court. It</p> <p>20 was the production.</p> <p>21 Q. Did anyone say during this</p> <p>22 conversation that because Cabrera had said</p> <p>23 to the court he was independent, impartial</p> <p>24 and there was no disclosure of his</p> <p>25 relationship with the Lago Agrio plaintiff</p>	<p style="text-align: right;">Page 253</p> <p>1 L. GARR</p> <p>2 the court"?</p> <p>3 MR. GOMEZ: Objection.</p> <p>4 THE SPECIAL MASTER: Overruled.</p> <p>5 A. I don't recall specifically</p> <p>6 someone saying that exact sentence.</p> <p>7 Q. Putting aside the exact words,</p> <p>8 do you remember in substance somebody</p> <p>9 saying during that conversation in Ecuador</p> <p>10 that Cabrera, in substance, violated the</p> <p>11 duties to the court as a result of his</p> <p>12 relationship with the Lago Agrio plaintiff</p> <p>13 representatives?</p> <p>14 MR. GOMEZ: Objection.</p> <p>15 THE SPECIAL MASTER: Overruled.</p> <p>16 A. I don't recall.</p> <p>17 Q. You don't recall one way or the</p> <p>18 other?</p> <p>19 A. I don't recall one way or the</p> <p>20 other, I don't.</p> <p>21 Q. But by formalistic, when you</p> <p>22 were referring before to Mr. Fajardo</p> <p>23 expressing concern about the formalistic</p> <p>24 nature of Ecuadorian law, what you meant</p> <p>25 by that was whether or not there was</p>

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<p style="text-align: right;">Page 254</p> <p>1 L. GARR</p> <p>2 compliance with the letter of the law?</p> <p>3 A. Yes.</p> <p>4 Q. Did anybody express an</p> <p>5 understanding that somehow it would be</p> <p>6 different in the United States, that you</p> <p>7 didn't have to comply with the letter of</p> <p>8 the law in the United States?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. No.</p> <p>12 Q. Do you see where Mr. Donziger</p> <p>13 says, in the paragraph, The Cabrera Report</p> <p>14 and the Role of Stratus: Ecuador Law, do</p> <p>15 you see that on the first page -- it is on</p> <p>16 the first page of Dear Fellow Counsel.</p> <p>17 A. Oh, I'm sorry.</p> <p>18 Q. It is under the bold, The</p> <p>19 Cabrera Report and the Role of Stratus:</p> <p>20 Ecuador Law.</p> <p>21 MR. HILLE: It is the heading.</p> <p>22 A. Yes.</p> <p>23 Q. The second sentence says "As</p> <p>24 previously indicated, if Chevron succeeds</p> <p>25 in obtaining discovery from Stratus and</p>	<p style="text-align: right;">Page 256</p> <p>1 L. GARR</p> <p>2 privilege.</p> <p>3 THE SPECIAL MASTER: The form</p> <p>4 is okay. Privilege is overruled.</p> <p>5 A. I recall Ecuadorian counsel</p> <p>6 asking if that could -- if production</p> <p>7 could -- if discovery could not take</p> <p>8 place, if there was a mechanism to not</p> <p>9 have it take place.</p> <p>10 THE SPECIAL MASTER: Now the</p> <p>11 crime-fraud is back in on that one.</p> <p>12 Q. And who said that; do you</p> <p>13 remember?</p> <p>14 THE SPECIAL MASTER: In</p> <p>15 furtherance. Mr. Gomez, you are</p> <p>16 squinting.</p> <p>17 MR. GOMEZ: Could we excuse the</p> <p>18 witness for a minute?</p> <p>19 THE SPECIAL MASTER: Sure.</p> <p>20 THE WITNESS: I'm sorry, can I</p> <p>21 clarify one thing on that?</p> <p>22 THE SPECIAL MASTER: Yes. No,</p> <p>23 no, you want her to be excused?</p> <p>24 MR. GOMEZ: I want her to be</p> <p>25 excused, but then she said she wanted to</p>
<p style="text-align: right;">Page 255</p> <p>1 L. GARR</p> <p>2 deposing the Stratus principals"; do you</p> <p>3 see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall discussion in</p> <p>6 Ecuador about trying to stop Chevron from</p> <p>7 succeeding in obtaining discovery from</p> <p>8 Stratus and deposing the Stratus</p> <p>9 principals?</p> <p>10 MR. GOMEZ: Objection.</p> <p>11 THE SPECIAL MASTER: Overruled</p> <p>12 on waiver. We are waiting to hear the</p> <p>13 answer on the crime-fraud exception.</p> <p>14 A. I recall there being</p> <p>15 discussions about that it would happen and</p> <p>16 the difference between U.S. law, kind of</p> <p>17 explaining why discovery would be</p> <p>18 permissible in the U.S., which was not</p> <p>19 understood or clear to Ecuadorian counsel.</p> <p>20 Q. And was there a discussion of</p> <p>21 trying to stop Chevron from getting that</p> <p>22 information? That information being</p> <p>23 discovery from Stratus and Stratus'</p> <p>24 relationship with Cabrera.</p> <p>25 MR. GOMEZ: Objection, form and</p>	<p style="text-align: right;">Page 257</p> <p>1 L. GARR</p> <p>2 clarify something. How should we do it?</p> <p>3 MS. PARADISE: Why doesn't she</p> <p>4 clarify after she is excused?</p> <p>5 THE SPECIAL MASTER: Fine.</p> <p>6 (Witness departs the room.)</p> <p>7 MR. GOMEZ: The reason for my</p> <p>8 doubt on the ruling --</p> <p>9 THE SPECIAL MASTER: Squinting?</p> <p>10 MR. GOMEZ: My squinting, is as</p> <p>11 I understood the answer is Ecuadorian</p> <p>12 counsel inquired whether discovery --</p> <p>13 whether there was some way for discovery</p> <p>14 not to take place.</p> <p>15 Now, to me that response sounds</p> <p>16 like a foreign attorney simply asking to</p> <p>17 know how procedures work in the United</p> <p>18 States, and I don't see how that inquiry</p> <p>19 or that question, which is the response</p> <p>20 she gave, furthers any kind of</p> <p>21 crime-fraud.</p> <p>22 THE SPECIAL MASTER: Well, it</p> <p>23 has already been found that the plaintiffs</p> <p>24 in connection with the Colorado proceeding</p> <p>25 committed a fraud on the Colorado court.</p>

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<p style="text-align: right;">Page 258</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Well, it has been</p> <p>3 found that there is probable cause.</p> <p>4 THE SPECIAL MASTER: That's</p> <p>5 what I mean, the first branch. The first</p> <p>6 branch is done.</p> <p>7 That being so, the inquiry is</p> <p>8 part of an effort to further that. And if</p> <p>9 you look at the history of what was done,</p> <p>10 that's how you get there.</p> <p>11 MR. GOMEZ: Well, I</p> <p>12 respectfully disagree.</p> <p>13 THE SPECIAL MASTER: You know</p> <p>14 what, I take it back. I will let this one</p> <p>15 go.</p> <p>16 MR. GOMEZ: We can call the</p> <p>17 witness back.</p> <p>18 THE SPECIAL MASTER: And</p> <p>19 particularly since she is going to clarify</p> <p>20 it anyway.</p> <p>21 MR. GOMEZ: That's right.</p> <p>22 THE SPECIAL MASTER: And I'm</p> <p>23 reasonably confident that the</p> <p>24 clarification will moot our discussion.</p> <p>25 MR. GOMEZ: We shall see.</p>	<p style="text-align: right;">Page 260</p> <p>1 L. GARR</p> <p>2 as I predicted, our discussion is mooted</p> <p>3 by her clarification.</p> <p>4 MR. GOMEZ: Yes.</p> <p>5 Q. At the same time there was</p> <p>6 discussion how, by local Ecuadorian</p> <p>7 counsel, of how it could be uncovered or</p> <p>8 discovered in the United States the</p> <p>9 documents reflecting the relationship</p> <p>10 between Stratus and Cabrera, at the same</p> <p>11 time local Ecuadorian counsel was</p> <p>12 concerned that those disclosures would</p> <p>13 personally expose them to liability?</p> <p>14 MR. GOMEZ: Objection.</p> <p>15 MR. HILLE: There was a lot in</p> <p>16 that question. I'm sorry, could we just</p> <p>17 hear it back.</p> <p>18 THE SPECIAL MASTER: Actually,</p> <p>19 the problem with the question is</p> <p>20 argumentative. Rephrase it.</p> <p>21 Q. During this conversation, the</p> <p>22 same conversation down in Ecuador, was</p> <p>23 there a discussion that local Ecuadorian</p> <p>24 counsel were concerned about personal</p> <p>25 exposure of liability if the disclosures</p>
<p style="text-align: right;">Page 259</p> <p>1 L. GARR</p> <p>2 (Witness returns to the room.)</p> <p>3 BY MR. BRODSKY:</p> <p>4 Q. Ms. Garr, you wanted to clarify</p> <p>5 something?</p> <p>6 A. Yes. I just wanted to clarify</p> <p>7 that the Ecuadorian counsel wasn't saying</p> <p>8 they didn't want to produce the materials,</p> <p>9 they were saying -- it was more of a</p> <p>10 question of how could such materials,</p> <p>11 attorney e-mails and documents that were</p> <p>12 produced that the Ecuadorian court ruled</p> <p>13 were not part of the record, how could</p> <p>14 that be made -- how could that be</p> <p>15 disclosed and discoverable under U.S. law,</p> <p>16 and it was explained by, what I recall,</p> <p>17 Steven and Aaron Page that under U.S. law</p> <p>18 such material is discoverable and that it</p> <p>19 would be -- it would be -- you know, it</p> <p>20 would be provided in this action.</p> <p>21 So that was -- it was more a</p> <p>22 question of not understanding how</p> <p>23 something like that is permissible under</p> <p>24 U.S. law.</p> <p>25 THE SPECIAL MASTER: Mr. Gomez,</p>	<p style="text-align: right;">Page 261</p> <p>1 L. GARR</p> <p>2 came out in the United States --</p> <p>3 MR. GOMEZ: Objection.</p> <p>4 Q. -- in the 1782 proceeding?</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. It was during that same</p> <p>7 conversation that the issue was raised,</p> <p>8 again, that it could be used, and I'm</p> <p>9 forgetting now the mechanism, I think it</p> <p>10 was referenced in here, though, but that</p> <p>11 it could be used to challenge -- that it</p> <p>12 could be used in a filing against the</p> <p>13 Ecuadorian counsel.</p> <p>14 Q. Was there a discussion with</p> <p>15 local counsel stating that they were</p> <p>16 concerned that these disclosures would</p> <p>17 result in legal consequences to them</p> <p>18 personally?</p> <p>19 MR. GOMEZ: Objection,</p> <p>20 privileged and form.</p> <p>21 THE SPECIAL MASTER: Overruled.</p> <p>22 A. I recall there being discussion</p> <p>23 about that it could potentially lead to</p> <p>24 legal consequences.</p> <p>25 Q. Criminal consequences?</p>

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<p style="text-align: right;">Page 262</p> <p>1 L. GARR</p> <p>2 A. I don't recall that.</p> <p>3 Q. Do you remember during this</p> <p>4 conversation in Ecuador that Mr. Donziger</p> <p>5 stated he had approved and supervised the</p> <p>6 communications between Stratus and</p> <p>7 Cabrera?</p> <p>8 MR. GOMEZ: Objection.</p> <p>9 THE SPECIAL MASTER: Overruled.</p> <p>10 A. I don't recall that.</p> <p>11 Q. Let's move to --</p> <p>12 THE SPECIAL MASTER: Mr. Gomez,</p> <p>13 you understand when I say overruled only</p> <p>14 to your privilege objection, it means the</p> <p>15 waiver ground only and not the</p> <p>16 crime-fraud?</p> <p>17 MR. GOMEZ: I do, thank you.</p> <p>18 THE SPECIAL MASTER: Unless I</p> <p>19 specifically mention the crime-fraud.</p> <p>20 (Plaintiff's Exhibit 4289</p> <p>21 marked for identification.)</p> <p>22 Q. I show you an exhibit marked</p> <p>23 4289, WOODS-HDD-144964. It is an</p> <p>24 e-mail --</p> <p>25 THE SPECIAL MASTER: I believe</p>	<p style="text-align: right;">Page 264</p> <p>1 L. GARR</p> <p>2 to look at the two-page outline of an</p> <p>3 agenda for the Invictus meeting on April</p> <p>4 30, 2010?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall participating in</p> <p>7 an Invictus meeting at Patton Boggs' New</p> <p>8 York office on April 30th in person?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you recall participating by</p> <p>11 phone?</p> <p>12 A. I don't recall.</p> <p>13 Q. Directing your attention to</p> <p>14 where it says in Roman numeral II Cabrera</p> <p>15 Facts and Strategy, do you see (2)(D)</p> <p>16 where it says "Cabrera story, documents in</p> <p>17 support of Texas and Colorado filings"?</p> <p>18 A. I do.</p> <p>19 Q. Do you have an understanding of</p> <p>20 what "Cabrera story" means?</p> <p>21 A. I don't.</p> <p>22 Q. And turning to Section (E),</p> <p>23 "Strategy Consideration: How Do We</p> <p>24 Characterize Cabrera Going Forward."</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 263</p> <p>1 L. GARR</p> <p>2 the ground is the one I articulated, not</p> <p>3 when it comes to communications, not at</p> <p>4 all, the Judge Francis/Judge Kaplan waiver</p> <p>5 point.</p> <p>6 MR. GOMEZ: Yes, I understand</p> <p>7 that.</p> <p>8 Q. It is an e-mail from</p> <p>9 edaleo@pattonboggs.com to Julia Brickell,</p> <p>10 Ilann Maazel, Steven Donziger, Laura Garr,</p> <p>11 Jonathan Abady, Andrew Wilson,</p> <p>12 neconomou@h5.com, imoll@motleyrice.com,</p> <p>13 awoods@donzigerandassociates.com,</p> <p>14 bnarwold@motleyrice.com, with copies to</p> <p>15 James Tyrrell, Eric Westenberger and</p> <p>16 Edward Yennock, Agenda for Today's 1 p.m.</p> <p>17 Invictus Meeting.</p> <p>18 Did you participate --</p> <p>19 THE SPECIAL MASTER: Hold on.</p> <p>20 Let me read it. That probably will give</p> <p>21 the witness a chance to read it, too.</p> <p>22 THE WITNESS: I appreciate</p> <p>23 that, thank you.</p> <p>24 (Witness perusing document.)</p> <p>25 Q. Ms. Garr, have you had a chance</p>	<p style="text-align: right;">Page 265</p> <p>1 L. GARR</p> <p>2 Q. What, if anything, do you</p> <p>3 remember regarding a discussion with</p> <p>4 Patton Boggs on or about April 30, 2010</p> <p>5 relating to how to characterize Cabrera</p> <p>6 going forward?</p> <p>7 MR. GOMEZ: Objection,</p> <p>8 foundation.</p> <p>9 THE SPECIAL MASTER: He saved</p> <p>10 it by the words "if any."</p> <p>11 A. I don't recall.</p> <p>12 THE SPECIAL MASTER: In other</p> <p>13 words, you are overruled.</p> <p>14 Q. You don't recall?</p> <p>15 A. I don't recall, I'm sorry.</p> <p>16 Q. Do you recall any conversations</p> <p>17 with Patton Boggs lawyers regarding</p> <p>18 strategy of how to characterize Cabrera</p> <p>19 going forward in 2010?</p> <p>20 A. About how to characterize</p> <p>21 Cabrera, no, I don't.</p> <p>22 Q. Do you remember any</p> <p>23 conversations with Patton Boggs in 2010</p> <p>24 regarding how to deal with Cabrera and his</p> <p>25 report after the Section 1782 proceeding</p>

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<p style="text-align: right;">Page 266</p> <p>1 L. GARR</p> <p>2 was filed in Denver?</p> <p>3 MR. GOMEZ: Objection,</p> <p>4 privilege.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. Yes.</p> <p>7 Q. What do you remember?</p> <p>8 A. I recall discussions about the</p> <p>9 potential impact that the allegations</p> <p>10 raised and the discussions about obtaining</p> <p>11 other scientific experts.</p> <p>12 Q. And who was speaking on behalf</p> <p>13 of Patton Boggs during this conversation?</p> <p>14 THE SPECIAL MASTER: She</p> <p>15 recalls discussions, not one.</p> <p>16 MR. BRODSKY: Fair.</p> <p>17 THE SPECIAL MASTER: Why don't</p> <p>18 you just go through them one by one.</p> <p>19 Q. Can you go through the</p> <p>20 discussions with Patton Boggs?</p> <p>21 THE SPECIAL MASTER: First</p> <p>22 identifying who the other party to the</p> <p>23 discussion was, or parties.</p> <p>24 A. I don't recall specific</p> <p>25 conversations. I just recall that there</p>	<p style="text-align: right;">Page 268</p> <p>1 L. GARR</p> <p>2 WOODS-HDD-0245699.</p> <p>3 A. Can I have a minute to review</p> <p>4 it?</p> <p>5 (Witness perusing document.)</p> <p>6 A. Okay.</p> <p>7 Q. In the e-mail, Mr. Maazel says,</p> <p>8 in the first paragraph, "As I understand</p> <p>9 from last Friday's meetings and</p> <p>10 conversations with Steve, our options are</p> <p>11 as follows."</p> <p>12 Does this document refresh your</p> <p>13 recollection that during an Invictus</p> <p>14 meeting on April 30th there was a</p> <p>15 discussion of these options?</p> <p>16 A. I'm not sure, I'm sorry.</p> <p>17 Q. Does it refresh any</p> <p>18 recollection that you participated in</p> <p>19 conversations with Patton Boggs --</p> <p>20 withdrawn.</p> <p>21 Did you participate in</p> <p>22 conversations with Patton Boggs laying out</p> <p>23 the options described in Mr. Maazel's May</p> <p>24 4th e-mail in 4294?</p> <p>25 A. I recall the substance of this</p>
<p style="text-align: right;">Page 267</p> <p>1 L. GARR</p> <p>2 were general discussions about obtaining</p> <p>3 additional experts, and, again, general</p> <p>4 discussions about the possibilities of --</p> <p>5 the different possibilities of whether the</p> <p>6 Cabrera report would be sustained under</p> <p>7 Ecuadorian law or how it would be relied</p> <p>8 upon, if at all.</p> <p>9 Q. Who from Patton Boggs was</p> <p>10 participating in these discussions?</p> <p>11 A. I believe it was discussed in</p> <p>12 that April 8th meeting, so if Eric</p> <p>13 Westenger was present, I believe, and I</p> <p>14 don't recall who else might have been</p> <p>15 present.</p> <p>16 (Plaintiff's Exhibit 4294</p> <p>17 marked for identification.)</p> <p>18 Q. Let me show you 4294, which is</p> <p>19 a one-page document from Ilann Maazel at</p> <p>20 ecbalaw.com on May 4th, 2010 to Ingrid</p> <p>21 Moll, Eric Westenger, Julia Brickell,</p> <p>22 Jonathan Abady, Andrew Woods, Steven</p> <p>23 Donziger, Laura Garr, Bill Narwold, James</p> <p>24 Tyrrell, Andrew Wilson, Eric Daleo, and</p> <p>25 Eric Yennock, subject, Global Strategy,</p>	<p style="text-align: right;">Page 269</p> <p>1 L. GARR</p> <p>2 e-mail. I'm not sure if it was at that</p> <p>3 meeting or if it was because of this</p> <p>4 e-mail and subsequent conversations, but I</p> <p>5 do recall the substance of kind of the</p> <p>6 getting an expert report and having --</p> <p>7 informing the Ecuadorian court of -- I</p> <p>8 mean, I understand the substance of this.</p> <p>9 I don't know if it was from that April</p> <p>10 meeting or not.</p> <p>11 Q. Understanding the substance of</p> <p>12 this and what's laid out here, what's your</p> <p>13 understanding of which option, if any, was</p> <p>14 chosen in dealing with the "Cabrera</p> <p>15 business"?</p> <p>16 MR. GOMEZ: Objection.</p> <p>17 THE SPECIAL MASTER: Overruled.</p> <p>18 A. My understanding was that</p> <p>19 option number 3 was the option that --</p> <p>20 Q. Option number 3 says "mea culpa</p> <p>21 is part of the strategy," correct?</p> <p>22 A. Yes.</p> <p>23 Q. Mea culpa laid out in Roman</p> <p>24 numeral number I says "lay out for the</p> <p>25 Ecuadorian court what happened with</p>

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<p style="text-align: right;">Page 270</p> <p>1 L. GARR</p> <p>2 Cabrera and advise the court to take it</p> <p>3 into account in whatever way it deems</p> <p>4 appropriate." Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Is it your understanding that</p> <p>7 the Lago Agrio plaintiff representatives</p> <p>8 laid out for the Ecuadorian court what</p> <p>9 happened with Cabrera?</p> <p>10 A. Yes, I believe so, yes.</p> <p>11 Q. You base that on conversations</p> <p>12 with others?</p> <p>13 A. Yes.</p> <p>14 Q. Do you base it on any review of</p> <p>15 the actual filings in Ecuador regarding</p> <p>16 what was said in connection with the</p> <p>17 relationship between Cabrera and Stratus?</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 THE SPECIAL MASTER: Overruled.</p> <p>20 A. I don't recall reviewing any</p> <p>21 actual filings.</p> <p>22 THE SPECIAL MASTER: Wait one</p> <p>23 second.</p> <p>24 Go ahead.</p> <p>25 Q. Who told you that what happened</p>	<p style="text-align: right;">Page 272</p> <p>1 L. GARR</p> <p>2 tell you that what happened with Cabrera</p> <p>3 was laid out with the Ecuadorian court?</p> <p>4 A. I don't recall.</p> <p>5 THE SPECIAL MASTER: Wait one</p> <p>6 second.</p> <p>7 Go ahead.</p> <p>8 Q. At some point the Lago Agrio</p> <p>9 plaintiffs in Ecuador proposed to the</p> <p>10 court that each side submit supplemental</p> <p>11 expert reports?</p> <p>12 A. I believe so. I don't know the</p> <p>13 exact language of the filing, but I</p> <p>14 believe there was a request for additional</p> <p>15 damage reports.</p> <p>16 Q. We talked about earlier</p> <p>17 cleansing reports. Are those one in the</p> <p>18 same?</p> <p>19 MR. GOMEZ: Objection.</p> <p>20 MS. PARADISE: Objection to</p> <p>21 form.</p> <p>22 MR. HILLE: Objection, I think</p> <p>23 that misstates --</p> <p>24 THE SPECIAL MASTER: I'm sorry?</p> <p>25 MR. HILLE: I think that</p>
<p style="text-align: right;">Page 271</p> <p>1 L. GARR</p> <p>2 with Cabrera was laid out for the</p> <p>3 Ecuadorian court?</p> <p>4 A. It was my understanding that --</p> <p>5 THE SPECIAL MASTER: No, no.</p> <p>6 The question is who told you, who.</p> <p>7 THE WITNESS: I don't recall.</p> <p>8 I believe Steven.</p> <p>9 Q. Mr. Donziger?</p> <p>10 A. Mr. Donziger.</p> <p>11 Q. Do you recall when Mr. Donziger</p> <p>12 told you that?</p> <p>13 A. I don't.</p> <p>14 Q. Did you talk to anyone else</p> <p>15 about whether what happened with Cabrera</p> <p>16 was laid out to the Ecuadorian court as</p> <p>17 part of a mea culpa strategy?</p> <p>18 A. I can't recall specific</p> <p>19 conversations with people, but I recall</p> <p>20 discussions about filings that were made</p> <p>21 in Ecuador regarding Cabrera and filings</p> <p>22 made by Chevron regarding Cabrera, and I</p> <p>23 think the documentation from the 1782</p> <p>24 being filed in Ecuador.</p> <p>25 Q. Did anybody from Patton Boggs</p>	<p style="text-align: right;">Page 273</p> <p>1 L. GARR</p> <p>2 misstated the prior testimony.</p> <p>3 MR. BRODSKY: I'll withdraw it.</p> <p>4 Q. Were these supplemental expert</p> <p>5 reports known as cleansing reports?</p> <p>6 MR. GOMEZ: Objection, form.</p> <p>7 A. I've seen that used. I don't</p> <p>8 know if I have seen it in press, you know,</p> <p>9 news articles or if it was from e-mails.</p> <p>10 I've seen the word "cleansing" in here as</p> <p>11 well.</p> <p>12 So I don't independently recall</p> <p>13 them -- me ever using that term or hearing</p> <p>14 that term, but I'm seeing it in here,</p> <p>15 so...</p> <p>16 Q. Do you remember anybody from</p> <p>17 Patton Boggs ever using the term</p> <p>18 "cleansing reports"?</p> <p>19 A. I don't recall.</p> <p>20 Q. Or any Ecuadorian plaintiff</p> <p>21 representatives using that term?</p> <p>22 A. No, I don't recall that.</p> <p>23 Q. What role, if any, did you play</p> <p>24 in connection with the supplemental expert</p> <p>25 reports?</p>

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<p style="text-align: right;">Page 274</p> <p>1 L. GARR</p> <p>2 A. I went down to Ecuador with,</p> <p>3 I'm sorry, I'm forgetting his name, Ted</p> <p>4 Dunkelberger, I believe, and another</p> <p>5 colleague of his as part of the -- I</p> <p>6 believe his group was responsible for the</p> <p>7 scientific experts and assisted in</p> <p>8 obtaining documentation that they</p> <p>9 requested for use by the experts to</p> <p>10 perform their reports.</p> <p>11 Q. Before we get to that trip</p> <p>12 with -- how long were you there with</p> <p>13 Mr. Dunkelberger in connection with these</p> <p>14 reports?</p> <p>15 A. I don't recall. A few days, I</p> <p>16 believe.</p> <p>17 Q. If you look at your migration</p> <p>18 records, do you see -- does it refresh</p> <p>19 your recollection that you were in Quito</p> <p>20 from August 29th, 2010 through September</p> <p>21 2nd, 2010, and September 13th, 2010</p> <p>22 through September 17th, 2010 in Exhibit</p> <p>23 4267?</p> <p>24 A. I see that, yes. I don't know</p> <p>25 which of these I was there with them.</p>	<p style="text-align: right;">Page 276</p> <p>1 L. GARR</p> <p>2 was being regularly submitted on an</p> <p>3 ongoing basis or in one package to the</p> <p>4 Ecuadorian court, and that there were</p> <p>5 filings, I understood, on both sides</p> <p>6 related to the -- and my understanding</p> <p>7 were there were also filings, motions to</p> <p>8 strike made by Chevron and responses to</p> <p>9 that and additional filings, again, I</p> <p>10 thought by both sides, describing the full</p> <p>11 contact with Cabrera.</p> <p>12 THE SPECIAL MASTER: Do you</p> <p>13 know whether everything you have seen</p> <p>14 today in front of you by way of exhibits</p> <p>15 was submitted to the court in -- by way of</p> <p>16 laying it out for the court in Ecuador?</p> <p>17 THE WITNESS: I don't know.</p> <p>18 THE SPECIAL MASTER: And there</p> <p>19 are exhibits that you have seen today that</p> <p>20 you had never seen before, correct?</p> <p>21 THE WITNESS: Yes.</p> <p>22 THE SPECIAL MASTER: And there</p> <p>23 are facts that you saw today that you</p> <p>24 never heard of before, correct?</p> <p>25 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 275</p> <p>1 L. GARR</p> <p>2 Q. Before we get to -- before we</p> <p>3 get to that, I want to direct your</p> <p>4 attention to a few e-mail exchanges --</p> <p>5 THE SPECIAL MASTER: Before we</p> <p>6 get to that, did we exhaust the witness on</p> <p>7 the question of what she was told was done</p> <p>8 by way of laying out for the Ecuadorian</p> <p>9 court what happened with Cabrera?</p> <p>10 THE WITNESS: I'm sorry?</p> <p>11 MR. HILLE: Do you want the</p> <p>12 witness to respond to that?</p> <p>13 THE SPECIAL MASTER: Yes,</p> <p>14 please. Have you told us everything there</p> <p>15 is that you remember about what was laid</p> <p>16 out, what you were told was laid out for</p> <p>17 the court?</p> <p>18 THE WITNESS: No, there is</p> <p>19 additional information. My understanding</p> <p>20 was that there was consistent and regular</p> <p>21 submissions that were filed by Chevron of</p> <p>22 documents that they obtained in the 1782s</p> <p>23 or by the plaintiffs, I don't recall now</p> <p>24 who, but that all of the documentation was</p> <p>25 submitted, as well as any outtake footage</p>	<p style="text-align: right;">Page 277</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Thank you.</p> <p>3 Q. And in Exhibit 4294,</p> <p>4 Mr. Maazel's e-mail where he says "lay out</p> <p>5 for the Ecuadorian court what happened</p> <p>6 with Cabrera," is it your understanding</p> <p>7 that that meant any disclosures by Chevron</p> <p>8 would be included in laying out for the</p> <p>9 court what happened with Cabrera?</p> <p>10 MR. GOMEZ: Objection.</p> <p>11 MS. PARADISE: Can you direct,</p> <p>12 I'm sorry, the witness to the exact line</p> <p>13 that you are referring to?</p> <p>14 Q. If you look at 4294, I will ask</p> <p>15 the question again in a different form.</p> <p>16 Exhibit 4294, number 1, it says</p> <p>17 "for the mea culpa strategy, lay out for</p> <p>18 the Ecuadorian court what happened with</p> <p>19 Cabrera."</p> <p>20 Is it your understanding that</p> <p>21 Chevron's submissions to the Ecuadorian</p> <p>22 court are part of Patton Boggs' or Emery</p> <p>23 Celli's strategy for laying out for the</p> <p>24 Ecuadorian court what happened with</p> <p>25 Cabrera?</p>

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<p style="text-align: right;">Page 278</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection,</p> <p>3 privileged and form.</p> <p>4 THE SPECIAL MASTER: Overruled.</p> <p>5 A. I'm not sure I understand your</p> <p>6 question completely, but I took it to mean</p> <p>7 the coordination just between the</p> <p>8 plaintiffs and Cabrera, not Chevron's</p> <p>9 coordination with Cabrera.</p> <p>10 THE SPECIAL MASTER: No, no,</p> <p>11 no. What he is asking -- shall I rephrase</p> <p>12 it so we can move on? Go ahead.</p> <p>13 Q. By laying out for the</p> <p>14 Ecuadorian court what happened with</p> <p>15 Cabrera, it was your understanding that it</p> <p>16 was the Lago Agrio plaintiffs'</p> <p>17 representatives who would be laying out</p> <p>18 for the court what happened with Cabrera?</p> <p>19 MR. GOMEZ: Objection,</p> <p>20 privileged.</p> <p>21 THE SPECIAL MASTER: Overruled.</p> <p>22 A. I did have an understanding</p> <p>23 that it would be the plaintiffs that would</p> <p>24 be submitting something.</p> <p>25 Q. Now, let's take a look at 4291.</p>	<p style="text-align: right;">Page 280</p> <p>1 L. GARR</p> <p>2 THE VIDEOGRAPHER: Five hours</p> <p>3 and 26 minutes, minus the short breaks.</p> <p>4 THE SPECIAL MASTER: Minus two</p> <p>5 minutes.</p> <p>6 THE VIDEOGRAPHER: Four</p> <p>7 minutes. There were two two-minute</p> <p>8 breaks.</p> <p>9 THE SPECIAL MASTER: I see,</p> <p>10 okay.</p> <p>11 (Witness perusing document.)</p> <p>12 Q. Have you finished reviewing it?</p> <p>13 A. Yes, I have.</p> <p>14 Q. Thank you. You reviewed the</p> <p>15 whole document?</p> <p>16 A. Yes.</p> <p>17 Q. Okay, great. We might as well</p> <p>18 talk about the whole document, then.</p> <p>19 A. Okay.</p> <p>20 Q. On the last -- the third page,</p> <p>21 Edward Yennock's e-mail of May 3rd, 2010</p> <p>22 at 6:43 p.m.; do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. You are a recipient of that</p> <p>25 e-mail, correct?</p>
<p style="text-align: right;">Page 279</p> <p>1 L. GARR</p> <p>2 (Plaintiff's Exhibit 4291</p> <p>3 marked for identification.)</p> <p>4 Q. This is a multipage e-mail,</p> <p>5 Ms. Garr. I'm going to be focusing on the</p> <p>6 e-mail at the top of the first page from</p> <p>7 Ilann Maazel on May 3rd, 2010 to Eric</p> <p>8 Westenberger, Andrew Wilson, Edward</p> <p>9 Yennock,</p> <p>10 sdonziger@donzigerandassociates.com,</p> <p>11 lgarr@donzigerandassociates.com,</p> <p>12 jabady@ecbalaw.com, copied to Eric Daleo,</p> <p>13 Jason Rockwell and Jonathan Abady,</p> <p>14 subject, Draft Affidavit, Donziger 39377.</p> <p>15 In the interests of just trying</p> <p>16 to save time, if I could direct your</p> <p>17 attention to that first e-mail at the top.</p> <p>18 MS. PARADISE: Laura, if you</p> <p>19 feel the need to read the whole document,</p> <p>20 you should.</p> <p>21 THE WITNESS: Okay.</p> <p>22 (Witness perusing document.)</p> <p>23 MR. GOMEZ: While the witness</p> <p>24 is reading, can we have a reading of the</p> <p>25 time?</p>	<p style="text-align: right;">Page 281</p> <p>1 L. GARR</p> <p>2 A. Yes, I appear to be, yes.</p> <p>3 Q. It says "All, attached is a</p> <p>4 draft of Pablo Fajardo Mendoza's</p> <p>5 declaration in support of our motion to be</p> <p>6 filed in Denver." Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. It says, in the next paragraph,</p> <p>9 "Laura and/or Steve, please read the</p> <p>10 declaration to Pablo ASAP."</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Did you read the declaration to</p> <p>14 Mr. Fajardo?</p> <p>15 A. Not that I recall, no.</p> <p>16 Q. Was Mr. Fajardo, to your</p> <p>17 recollection, in New York at the time?</p> <p>18 A. Not that I recall, no.</p> <p>19 Q. Did you participate in</p> <p>20 reviewing any part of that declaration?</p> <p>21 A. Not that I recall, but is that</p> <p>22 the declaration we looked at?</p> <p>23 Q. We will get to that.</p> <p>24 A. Okay, I'm sorry. So then not</p> <p>25 that I recall.</p>

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<p style="text-align: right;">Page 282</p> <p>1 L. GARR</p> <p>2 Q. Let me direct your attention to</p> <p>3 Mr. Maazel's e-mail on the first page.</p> <p>4 Mr. Maazel says "Maybe it is</p> <p>5 because I missed something at the end of</p> <p>6 the meeting last Friday" -- do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. -- "but I don't quite get the</p> <p>10 purpose of this affidavit. Pablo mentions</p> <p>11 one document submission but not the other.</p> <p>12 If he is submitting an affidavit about</p> <p>13 what happened, why omit the most important</p> <p>14 part? It seems misleading at best."</p> <p>15 Do you recall discussions about</p> <p>16 whether or not drafts of Mr. Pablo</p> <p>17 Fajardo's affidavit were misleading?</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 THE SPECIAL MASTER: Overruled.</p> <p>20 A. I don't.</p> <p>21 Q. Let me show you 857, which is</p> <p>22 the declaration of Pablo Fajardo Mendoza</p> <p>23 dated May 5th, 2010 filed in the District</p> <p>24 Court of Colorado.</p> <p>25 (Plaintiff's Exhibit 857 marked</p>	<p style="text-align: right;">Page 284</p> <p>1 L. GARR</p> <p>2 Mr. Gitter, you can give me a few extra</p> <p>3 minutes for the reading of this document</p> <p>4 so it doesn't count against me?</p> <p>5 THE SPECIAL MASTER: No.</p> <p>6 MR. BRODSKY: It doesn't hurt</p> <p>7 to ask.</p> <p>8 THE SPECIAL MASTER: It is a</p> <p>9 part of the normal questioning. If we</p> <p>10 tried to keep track of that in addition to</p> <p>11 all the other things we try to keep track</p> <p>12 of, we would never make it.</p> <p>13 (Witness perusing document.)</p> <p>14 (Ms. Paradise returns to the</p> <p>15 room.)</p> <p>16 A. Okay.</p> <p>17 Q. Does it refresh your</p> <p>18 recollection having reviewed the Pablo</p> <p>19 Fajardo declaration, Exhibit 857, that you</p> <p>20 participated in editing and/or drafting</p> <p>21 it?</p> <p>22 A. I have no recollection of</p> <p>23 editing or drafting this document.</p> <p>24 Q. Let me show you 861.</p> <p>25 (Plaintiff's Exhibit 861 marked</p>
<p style="text-align: right;">Page 283</p> <p>1 L. GARR</p> <p>2 for identification.)</p> <p>3 (Witness perusing document.)</p> <p>4 Q. As you are reading the</p> <p>5 document, would you see whether there is</p> <p>6 any reference to Mr. Cabrera being</p> <p>7 independent anywhere in the document.</p> <p>8 MR. HILLE: I just object on</p> <p>9 the basis the document speaks for itself.</p> <p>10 MR. BRODSKY: The document</p> <p>11 speaks for itself. Why don't we move on.</p> <p>12 THE SPECIAL MASTER: Wait one</p> <p>13 second. Let me just read this.</p> <p>14 (Witness perusing document.)</p> <p>15 MS. PARADISE: I apologize, but</p> <p>16 my contact lens is falling out. Do you</p> <p>17 mind if I go to wash my hands to take out</p> <p>18 my contact?</p> <p>19 THE SPECIAL MASTER: No, of</p> <p>20 course not.</p> <p>21 MS. PARADISE: While Laura is</p> <p>22 reading the document.</p> <p>23 (Ms. Paradise departs the</p> <p>24 room.)</p> <p>25 MR. BRODSKY: Any chance,</p>	<p style="text-align: right;">Page 285</p> <p>1 L. GARR</p> <p>2 for identification.)</p> <p>3 Q. 861 is a two-page document</p> <p>4 dated May 3rd, 2010 from Laura Garr to</p> <p>5 Steven Donziger, Re: Draft Affidavit,</p> <p>6 DONZ39373.</p> <p>7 Ms. Garr, directing your</p> <p>8 attention to your e-mail on May 3rd, where</p> <p>9 it says "My edits or questions are</p> <p>10 highlighted in track. It is obviously</p> <p>11 very important you verify the information</p> <p>12 with Pablo."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Does this refresh any</p> <p>16 recollection that you reviewed a draft</p> <p>17 affidavit of Pablo Fajardo Mendoza before</p> <p>18 it was filed with the District Court of</p> <p>19 Colorado?</p> <p>20 A. It appears I did. I don't</p> <p>21 recall --</p> <p>22 Q. It doesn't refresh any memory?</p> <p>23 A. I don't have any independent</p> <p>24 recollection.</p> <p>25 Q. Looking back at Exhibit 4291,</p>

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<p style="text-align: right;">Page 286</p> <p>1 L. GARR</p> <p>2 which is the Ilann Maazel May 3rd, 2010</p> <p>3 e-mail, do you see the third paragraph</p> <p>4 where Mr. Maazel says "I wouldn't</p> <p>5 emphasize too much that Cabrera was</p> <p>6 independent and court-appointed."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall discussion about</p> <p>10 how the strategy in the United States in</p> <p>11 connection with 1782 proceedings was to</p> <p>12 not emphasize Mr. Cabrera was independent?</p> <p>13 MR. GOMEZ: Objection.</p> <p>14 THE SPECIAL MASTER: Overruled.</p> <p>15 A. I don't recall a strategy on</p> <p>16 that, no.</p> <p>17 Q. Do you recall any strategy of</p> <p>18 trying to provide information to the court</p> <p>19 relating to Cabrera without fully</p> <p>20 disclosing the nature of the relationship</p> <p>21 between Cabrera and the Lago Agrio</p> <p>22 plaintiff representatives?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 That's overruled.</p>	<p style="text-align: right;">Page 288</p> <p>1 L. GARR</p> <p>2 is a description of documents that were</p> <p>3 presented to Cabrera.</p> <p>4 THE SPECIAL MASTER: You don't</p> <p>5 see a full what?</p> <p>6 THE WITNESS: The lay out --</p> <p>7 the mea culpa -- reading this document was</p> <p>8 for the Ecuadorian court. I don't know</p> <p>9 that that was ever discussed in here.</p> <p>10 But as far as the declaration,</p> <p>11 I don't see that it goes into great detail</p> <p>12 about, other than that documents were</p> <p>13 presented to Cabrera.</p> <p>14 Q. Was there an understanding that</p> <p>15 there wouldn't be a disclosure, a full</p> <p>16 disclosure to the District Court of</p> <p>17 Colorado like there would be to the</p> <p>18 Ecuadorian court regarding the nature of</p> <p>19 the relationship between Cabrera and the</p> <p>20 Lago Agrio plaintiff representatives?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. Not that I recall.</p> <p>24 THE SPECIAL MASTER: Can I ask</p> <p>25 whether we have the edits that the witness</p>
<p style="text-align: right;">Page 287</p> <p>1 L. GARR</p> <p>2 A. No, I don't recall that.</p> <p>3 Q. Having read the Pablo Fajardo</p> <p>4 Mendoza declaration of May 5th, 2010,</p> <p>5 Exhibit 857, did you see in that</p> <p>6 declaration the laying out to the District</p> <p>7 Court of Colorado the nature of the</p> <p>8 relationship between Cabrera and the</p> <p>9 representatives of the Lago Agrio</p> <p>10 plaintiffs?</p> <p>11 MR. GOMEZ: Objection, the</p> <p>12 document speaks for itself.</p> <p>13 MR. HILLE: I join that.</p> <p>14 THE SPECIAL MASTER: No, you</p> <p>15 are both wrong. She is an editor of this</p> <p>16 document, according to this e-mail, and</p> <p>17 her understanding -- she testified that</p> <p>18 she understood there was going to be a mea</p> <p>19 culpa and a laying out of -- a mea culpa</p> <p>20 and a laying out of facts and her</p> <p>21 understanding, whether she saw in this</p> <p>22 document or now sees in this document that</p> <p>23 laying out or mea culpa is relevant.</p> <p>24 Please answer the question.</p> <p>25 A. I don't see a full -- all I see</p>	<p style="text-align: right;">Page 289</p> <p>1 L. GARR</p> <p>2 made?</p> <p>3 MR. BRODSKY: We do, but in the</p> <p>4 interests of time I didn't want to take up</p> <p>5 the time to go through those edits.</p> <p>6 THE SPECIAL MASTER: Can I see</p> <p>7 them anyway, please?</p> <p>8 MR. BRODSKY: Yes. In the</p> <p>9 interests of just trying to --</p> <p>10 THE SPECIAL MASTER: I'm not</p> <p>11 going to count this. This is something I</p> <p>12 want to see in my role as somebody who has</p> <p>13 to review all her documents for</p> <p>14 crime-fraud privilege.</p> <p>15 MR. BRODSKY: You are not going</p> <p>16 to count this time against us?</p> <p>17 THE SPECIAL MASTER: Correct,</p> <p>18 my looking at this edit.</p> <p>19 MS. MALONEY: I will find them.</p> <p>20 THE SPECIAL MASTER: Why don't</p> <p>21 we go on, and once they are found, I will</p> <p>22 look at them.</p> <p>23 MS. PARADISE: The witness</p> <p>24 wants a clarification on the record.</p> <p>25 THE WITNESS: I would just note</p>

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<p style="text-align: right;">Page 290</p> <p>1 L. GARR</p> <p>2 that I sent edits to Steven at 7:21, and</p> <p>3 the discussion subsequent all took place,</p> <p>4 all of the discussions except for the</p> <p>5 initial e-mail took place after my edits.</p> <p>6 Q. Were your edits made prior to</p> <p>7 May 5th, 2010 when the Pablo Fajardo</p> <p>8 declaration was --</p> <p>9 A. It appears they were here, yes.</p> <p>10 Q. Do you recall meeting in 2010</p> <p>11 when Mr. Fajardo and Mr. Yanza came to New</p> <p>12 York and you translated the meeting for</p> <p>13 other people in attendance?</p> <p>14 A. I recall attempting poorly</p> <p>15 to -- I don't know that I recalled that I</p> <p>16 translated what they were saying to people</p> <p>17 in attendance, but I believe I tried to</p> <p>18 say the themes that were being discussed</p> <p>19 in English to them, if I recall.</p> <p>20 Q. To them --</p> <p>21 A. Pablo Fajardo and Luis Yanza,</p> <p>22 and I recall it not going very well.</p> <p>23 Q. Approximately when was this</p> <p>24 meeting?</p> <p>25 A. That's the meeting we were</p>	<p style="text-align: right;">Page 292</p> <p>1 L. GARR</p> <p>2 A. Yes.</p> <p>3 Q. What did, in substance, did</p> <p>4 Mr. Fajardo say?</p> <p>5 MR. GOMEZ: Objection.</p> <p>6 THE SPECIAL MASTER: Overruled.</p> <p>7 A. I don't remember exactly, but I</p> <p>8 recall it being very brief, that documents</p> <p>9 were submitted to Cabrera on behalf of the</p> <p>10 Lago Agrio plaintiffs.</p> <p>11 THE SPECIAL MASTER: The</p> <p>12 conversation, excuse me, the statements by</p> <p>13 Mr. Fajardo are within the crime-fraud</p> <p>14 exception, in furtherance of the fraud,</p> <p>15 the cover-up.</p> <p>16 Q. Was Mr. Donziger present for</p> <p>17 this conversation?</p> <p>18 A. I believe so, yes.</p> <p>19 Q. Did Mr. Donziger elaborate on</p> <p>20 what Mr. Fajardo said?</p> <p>21 A. I believe so, yes.</p> <p>22 Q. What did Mr. Donziger say?</p> <p>23 A. I recall Mr. Fajardo not being</p> <p>24 comfortable speaking, or not fully</p> <p>25 speaking at the moment -- I'm not stating</p>
<p style="text-align: right;">Page 291</p> <p>1 L. GARR</p> <p>2 discussing earlier. I don't recall.</p> <p>3 Q. We were discussing a number of</p> <p>4 meetings earlier. Which one is this one?</p> <p>5 A. I'm sorry, the only one where</p> <p>6 Luis Yanza and Pablo Fajardo came to</p> <p>7 Patton Boggs' offices that I'm aware of.</p> <p>8 Q. During this meeting was</p> <p>9 Mr. Tyrrell present?</p> <p>10 A. I don't recall.</p> <p>11 Q. Were lawyers from Patton Boggs</p> <p>12 present, regardless of whether you can</p> <p>13 recall any particular lawyer?</p> <p>14 A. Yeah, I believe so. I believe</p> <p>15 so.</p> <p>16 Q. Were lawyers from other firms</p> <p>17 there?</p> <p>18 A. I believe Emery Celli was</p> <p>19 present, but -- I believe so, yes.</p> <p>20 Q. Was Mr. Fajardo during this</p> <p>21 meeting questioned regarding -- withdrawn.</p> <p>22 Did Mr. Fajardo describe during</p> <p>23 this meeting interactions the Lago Agrio</p> <p>24 plaintiffs' representatives had with</p> <p>25 Cabrera?</p>	<p style="text-align: right;">Page 293</p> <p>1 L. GARR</p> <p>2 that properly.</p> <p>3 I recall Pablo Fajardo giving</p> <p>4 like a one-sentence description and Steven</p> <p>5 Donziger then elaborating that there had</p> <p>6 been -- kind of elaborating on the extent</p> <p>7 of the document production.</p> <p>8 Q. What did Mr. Donziger say in</p> <p>9 his elaboration?</p> <p>10 A. I don't recall.</p> <p>11 Q. You said Mr. Donziger</p> <p>12 elaborated on the extent of the document</p> <p>13 production. What did you mean by that?</p> <p>14 A. I don't recall specifically</p> <p>15 what Pablo Fajardo said, but I recall it</p> <p>16 being a very brief statement and Steven</p> <p>17 describing more extensively that it was --</p> <p>18 I don't know if it was -- I don't recall</p> <p>19 if it was a larger number of documents</p> <p>20 than he implied or just clarifying that it</p> <p>21 was large sections of the Cabrera report</p> <p>22 where it was not fully clear from Pablo</p> <p>23 Fajardo's statement.</p> <p>24 Q. You saw earlier the Dear Fellow</p> <p>25 Counsel letter with the metadata of</p>

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<p style="text-align: right;">Page 294</p> <p>1 L. GARR</p> <p>2 Mr. Donziger of April 17th, 2010, Exhibit</p> <p>3 4284; do you remember reading that?</p> <p>4 A. Yes.</p> <p>5 Q. Did Mr. Donziger convey in</p> <p>6 substance the information in that Dear</p> <p>7 Fellow Counsel letter relating to the</p> <p>8 relationship between -- withdrawn.</p> <p>9 Did Mr. Donziger convey in</p> <p>10 substance that Stratus had wrote the bulk</p> <p>11 of the report by Cabrera and submitted it</p> <p>12 to the court?</p> <p>13 MR. GOMEZ: Objection.</p> <p>14 THE SPECIAL MASTER: Overruled.</p> <p>15 MS. PARADISE: Do you need him</p> <p>16 to repeat the question, Laura?</p> <p>17 THE WITNESS: No.</p> <p>18 A. I don't recall if it was at</p> <p>19 that meeting. I do recall Steven</p> <p>20 stating -- Steven Donziger stating that</p> <p>21 large sections of the Cabrera report were</p> <p>22 drafted by Stratus and given to Cabrera</p> <p>23 for use in his report.</p> <p>24 Q. Did Mr. Fajardo during that</p> <p>25 meeting refuse to answer questions?</p>	<p style="text-align: right;">Page 296</p> <p>1 L. GARR</p> <p>2 Q. Did anybody -- any of the</p> <p>3 lawyers in the room raise whether or not</p> <p>4 they needed to correct statements made to</p> <p>5 federal district courts in the United</p> <p>6 States as a result of what Mr. Donziger</p> <p>7 was saying regarding the relationship</p> <p>8 between Mr. Cabrera and the Lago Agrio</p> <p>9 plaintiff representatives?</p> <p>10 A. I don't --</p> <p>11 MR. GOMEZ: Objection.</p> <p>12 THE SPECIAL MASTER: I think</p> <p>13 she was going to say I don't know or I</p> <p>14 don't recall, so the objection is</p> <p>15 pointless.</p> <p>16 Q. You don't recall one way or the</p> <p>17 other?</p> <p>18 A. I don't.</p> <p>19 Q. Did anybody say that they were</p> <p>20 surprised by this information?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. I don't know if anyone said</p> <p>24 that specifically, but I think -- I don't</p> <p>25 know.</p>
<p style="text-align: right;">Page 295</p> <p>1 L. GARR</p> <p>2 A. Not that I recall.</p> <p>3 THE SPECIAL MASTER: Excuse me,</p> <p>4 you don't recall when Donziger said that.</p> <p>5 Did he say it before you edited Fajardo's</p> <p>6 affidavit?</p> <p>7 THE WITNESS: I don't recall.</p> <p>8 Q. Did anybody on behalf of Patton</p> <p>9 Boggs respond to the statements made by</p> <p>10 Mr. Donziger relating to -- that you just</p> <p>11 accounted for?</p> <p>12 MR. GOMEZ: Objection.</p> <p>13 THE SPECIAL MASTER: Overruled.</p> <p>14 A. I recall a meeting where that</p> <p>15 was said and then a discussion of going to</p> <p>16 Ecuador to find out under the laws what</p> <p>17 the court orders were about the impact</p> <p>18 that would have under -- about obtaining</p> <p>19 Ecuadorian experts and about -- and then</p> <p>20 subsequent discussions about what impact</p> <p>21 that would have on the report itself and</p> <p>22 therefore needing more scientific --</p> <p>23 potentially additional damage report,</p> <p>24 those discussions, stemming from his</p> <p>25 disclosure.</p>	<p style="text-align: right;">Page 297</p> <p>1 L. GARR</p> <p>2 Q. Did you get the impression</p> <p>3 people were surprised based on your</p> <p>4 observations?</p> <p>5 MR. GOMEZ: Objection.</p> <p>6 THE SPECIAL MASTER: Overruled.</p> <p>7 A. I don't know about surprised.</p> <p>8 I think there was a concern to find out</p> <p>9 what the implication was under the law as</p> <p>10 a result of such contact, more kind of</p> <p>11 confusion.</p> <p>12 Q. There was confusion about</p> <p>13 Ecuadorian law; is that what you are</p> <p>14 saying?</p> <p>15 THE SPECIAL MASTER: Wait one</p> <p>16 second. I'm trying to understand now,</p> <p>17 when was this now?</p> <p>18 THE WITNESS: Based on my</p> <p>19 recollection of the follow-up items that</p> <p>20 came out of that, it seemed it would be</p> <p>21 March, prior to then going and getting the</p> <p>22 court orders from the -- this was related</p> <p>23 to document production, but I don't</p> <p>24 recall.</p> <p>25 THE SPECIAL MASTER: Wait a</p>

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<p style="text-align: right;">Page 298</p> <p>1 L. GARR</p> <p>2 second. Just a minute, please. I'm</p> <p>3 confused.</p> <p>4 I want to try to understand</p> <p>5 something. Is it your best recollection</p> <p>6 that Mr. Donziger said that Stratus wrote</p> <p>7 large sections of the Cabrera report at a</p> <p>8 meeting at Patton Boggs?</p> <p>9 THE WITNESS: I believe so,</p> <p>10 yes.</p> <p>11 THE SPECIAL MASTER: And that</p> <p>12 would have been no earlier than April 7 or</p> <p>13 so, correct?</p> <p>14 THE WITNESS: It was subsequent</p> <p>15 to the 1782 filing, but I don't recall the</p> <p>16 date.</p> <p>17 THE SPECIAL MASTER: The first</p> <p>18 time you went down to Ecuador was on March</p> <p>19 the 4th or so, right, or early March? It</p> <p>20 was March the 3rd?</p> <p>21 THE WITNESS: Yes.</p> <p>22 THE SPECIAL MASTER: And at</p> <p>23 that time, to the best of your</p> <p>24 recollection, had the 1782 been filed in</p> <p>25 Colorado?</p>	<p style="text-align: right;">Page 300</p> <p>1 L. GARR</p> <p>2 Q. Let's go to the post-Cabrera</p> <p>3 reports.</p> <p>4 THE SPECIAL MASTER: The</p> <p>5 post-Cabrera reports?</p> <p>6 MR. BRODSKY: These cleansing</p> <p>7 reports.</p> <p>8 THE WITNESS: I'm sorry, can I</p> <p>9 just clarify that last one? I don't want</p> <p>10 to misstate anything. I was under the</p> <p>11 impression that when I saw the record,</p> <p>12 there were 3,000, I think, something pages</p> <p>13 that were submitted, and I was aware that</p> <p>14 the plaintiffs submitted that.</p> <p>15 I was not aware -- when I say I</p> <p>16 was not aware that it was Stratus</p> <p>17 drafting, I was not clear what those</p> <p>18 materials were, but there was a court</p> <p>19 record that showed submissions.</p> <p>20 THE SPECIAL MASTER: Is it ever</p> <p>21 your understanding that the Cabrera --</p> <p>22 that the drafts that Stratus had written</p> <p>23 were submitted to the court?</p> <p>24 THE WITNESS: No. But at that</p> <p>25 time I did not know of that.</p>
<p style="text-align: right;">Page 299</p> <p>1 L. GARR</p> <p>2 THE WITNESS: I believe so,</p> <p>3 yes.</p> <p>4 THE SPECIAL MASTER: Can you</p> <p>5 describe what was the state of your</p> <p>6 knowledge at that time of the role of the</p> <p>7 plaintiffs' counsel and Stratus vis-à-vis</p> <p>8 Cabrera?</p> <p>9 THE WITNESS: I was not aware</p> <p>10 at that time that large portions of the</p> <p>11 report were drafted by Stratus and sent to</p> <p>12 Cabrera.</p> <p>13 THE SPECIAL MASTER: And you</p> <p>14 learned that when?</p> <p>15 THE WITNESS: I don't recall.</p> <p>16 I would say it was subsequent to that.</p> <p>17 I'm confident it was subsequent to that.</p> <p>18 I am confident, I believe, again, the</p> <p>19 second visit. I'm not sure -- I don't</p> <p>20 know. I don't know when I learned it. I</p> <p>21 do know that first trip when I was</p> <p>22 reviewing the court records I did not</p> <p>23 know.</p> <p>24 THE SPECIAL MASTER: Okay,</p> <p>25 thank you.</p>	<p style="text-align: right;">Page 301</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: And what</p> <p>3 do those 3,000 pages that you saw have to</p> <p>4 do with the 58-page Cabrera report?</p> <p>5 THE WITNESS: I don't know.</p> <p>6 Q. Were you involved in -- before</p> <p>7 we get to the cleansing reports, were you</p> <p>8 involved in -- in connection with the</p> <p>9 cleansing reports, were you involved in</p> <p>10 drafting a submission by Pablo Fajardo to</p> <p>11 the Ecuadorian Lago Agrio court?</p> <p>12 A. No.</p> <p>13 Q. Did there come a time when the</p> <p>14 Second Circuit Court of Appeals ordered</p> <p>15 the filmmaker, Berlinger, to produce the</p> <p>16 Crude outtakes?</p> <p>17 A. Yes.</p> <p>18 Q. Did you have a conversation or</p> <p>19 conversations with Mr. Donziger regarding</p> <p>20 what was in those Crude outtakes?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 The subject of the Crude outtakes were</p> <p>24 also a subject of very substantial</p> <p>25 testimony without privilege objection by</p>

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<p style="text-align: right;">Page 302</p> <p>1 L. GARR</p> <p>2 Mr. Donziger. And if you want citation,</p> <p>3 you will get them afterward from</p> <p>4 Mr. Ormand.</p> <p>5 Q. You may answer, Ms. Garr.</p> <p>6 A. Yes.</p> <p>7 Q. What, if anything, did</p> <p>8 Mr. Donziger say regarding whether any of</p> <p>9 those outtakes would show a relationship</p> <p>10 or meetings between the representatives of</p> <p>11 the Lago Agrio plaintiffs and Mr. Cabrera?</p> <p>12 A. At the time of the ruling?</p> <p>13 Q. Before the ruling.</p> <p>14 A. Nothing.</p> <p>15 Q. And after the ruling?</p> <p>16 A. After the ruling, I don't</p> <p>17 recall any conversation until --</p> <p>18 MS. PARADISE: I don't think</p> <p>19 the witness finished her answer.</p> <p>20 Q. I'm sorry.</p> <p>21 A. I don't recall any conversation</p> <p>22 until there was an outtake showing a</p> <p>23 meeting.</p> <p>24 Q. And then what conversation took</p> <p>25 place after there was an outtake showing a</p>	<p style="text-align: right;">Page 304</p> <p>1 L. GARR</p> <p>2 "Nothing of concern Steven? nice..."</p> <p>3 What did you mean by that?</p> <p>4 MR. GOMEZ: Objection.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. When the Second Circuit -- or</p> <p>7 when the outtake footage was the subject</p> <p>8 of the 1782, Steven had stated that he</p> <p>9 wasn't concerned if the outtakes were in</p> <p>10 fact produced, because, if anything, it</p> <p>11 showed that there was nothing concerning</p> <p>12 on the footage, if anything, it was</p> <p>13 negative for Chevron.</p> <p>14 Q. And your response means?</p> <p>15 A. That this seemed like something</p> <p>16 that was news to me and was a concern.</p> <p>17 Q. What was of concern to you?</p> <p>18 Was it news to you that there were --</p> <p>19 there was a relationship between Cabrera</p> <p>20 and the Lago Agrio plaintiff</p> <p>21 representatives?</p> <p>22 A. Yes, that there was a meeting</p> <p>23 with them, yes, that Steven participated</p> <p>24 in a meeting with Cabrera, yes.</p> <p>25 Q. Was it that Steven Donziger</p>
<p style="text-align: right;">Page 303</p> <p>1 L. GARR</p> <p>2 meeting?</p> <p>3 A. I don't -- I don't recall any</p> <p>4 specific conversations.</p> <p>5 Q. Let me show you 4233.</p> <p>6 (Plaintiff's Exhibit 4233</p> <p>7 marked for identification.)</p> <p>8 Q. Which is a one-page e-mail</p> <p>9 exchange from Laura Garr to Andrew Woods,</p> <p>10 "Re: Second Circuit Order," dated July</p> <p>11 15th, 2010.</p> <p>12 Do you recall this e-mail</p> <p>13 exchange?</p> <p>14 A. Yes.</p> <p>15 Q. Do you see where it says --</p> <p>16 Mr. Maazel says "the footage I believe</p> <p>17 contains a meeting with Steve, Pablo,</p> <p>18 Stratus and Cabrera"?</p> <p>19 A. I see that, yes.</p> <p>20 Q. "And it also contains a meeting</p> <p>21 with Steve and Stratus in Colorado"?</p> <p>22 A. I see that, yes.</p> <p>23 Q. Your response was forwarding it</p> <p>24 to -- or sending it to Andrew Woods,</p> <p>25 responding to Andrew Woods and saying</p>	<p style="text-align: right;">Page 305</p> <p>1 L. GARR</p> <p>2 participated in a meeting with Cabrera or</p> <p>3 was it that there were meetings between</p> <p>4 Cabrera and the Lago Agrio plaintiff</p> <p>5 representatives?</p> <p>6 MR. GOMEZ: Objection.</p> <p>7 THE SPECIAL MASTER: Overruled.</p> <p>8 A. I don't recall at this time. I</p> <p>9 know I was not aware that there was a</p> <p>10 meeting with Stratus, that I then saw on</p> <p>11 the outtakes, that I recall being very</p> <p>12 surprised by that.</p> <p>13 At this point there was</p> <p>14 obviously discussion of the fact that</p> <p>15 there was collaboration, but I don't</p> <p>16 know -- I don't know at this date what I</p> <p>17 knew or not.</p> <p>18 Q. Did you know by July -- well,</p> <p>19 withdrawn.</p> <p>20 Didn't you know by July 15th,</p> <p>21 2010 that Mr. Pablo Fajardo had</p> <p>22 communicated with Cabrera?</p> <p>23 A. I believe so. I believe so.</p> <p>24 Q. In that case what was</p> <p>25 surprising about this was Mr. Donziger's</p>

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<p style="text-align: right;">Page 306</p> <p>1 L. GARR</p> <p>2 involvement in those meetings with</p> <p>3 Cabrera?</p> <p>4 MR. GOMEZ: Objection,</p> <p>5 mischaracterizes.</p> <p>6 THE SPECIAL MASTER: She'll</p> <p>7 clarify.</p> <p>8 A. My understanding was there</p> <p>9 was -- that Stratus Consulting was</p> <p>10 drafting materials, that they were</p> <p>11 produced directly to Cabrera. Meetings of</p> <p>12 this nature ahead of -- I was not -- it</p> <p>13 was surprising, I think, a meeting --</p> <p>14 THE SPECIAL MASTER: A planning</p> <p>15 meeting at which Cabrera attended and</p> <p>16 Donziger attended and the plaintiffs'</p> <p>17 counsel attended, is that what was</p> <p>18 surprising to you?</p> <p>19 THE WITNESS: Yes.</p> <p>20 THE SPECIAL MASTER: Thank you.</p> <p>21 Q. And following that discovery,</p> <p>22 what, if anything, did you say to Donziger</p> <p>23 and what, if anything, did he say to you?</p> <p>24 MR. GOMEZ: Objection.</p> <p>25 THE SPECIAL MASTER: Overruled.</p>	<p style="text-align: right;">Page 308</p> <p>1 L. GARR</p> <p>2 I'm sorry, except that --</p> <p>3 Q. Were you upset on or about that</p> <p>4 day, whether it was that day or shortly</p> <p>5 after that day, after you saw that Crude</p> <p>6 outtake of Mr. Donziger meeting with</p> <p>7 Mr. Cabrera, that Mr. Donziger had misled</p> <p>8 you?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Overruled.</p> <p>11 A. I'm sorry, I am trying to place</p> <p>12 myself at that time because I'm not</p> <p>13 remembering any specific conversations.</p> <p>14 If I was more aware by the time I saw the</p> <p>15 outtakes -- I'm sorry, I don't --</p> <p>16 Q. Putting aside exactly when you</p> <p>17 learned the fact, when you learned the</p> <p>18 fact that Mr. Donziger had met with</p> <p>19 Cabrera, did you feel that Mr. Donziger</p> <p>20 had misled you up to that point?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. I felt that he might have</p> <p>24 known, been aware of more than I had</p> <p>25 previously assumed, in terms of the</p>
<p style="text-align: right;">Page 307</p> <p>1 L. GARR</p> <p>2 A. I'm trying to recall when I</p> <p>3 first saw the footage. I don't remember a</p> <p>4 specific conversation.</p> <p>5 Q. Were you upset?</p> <p>6 MR. GOMEZ: Objection.</p> <p>7 THE SPECIAL MASTER: Overruled.</p> <p>8 A. I recall being confused and</p> <p>9 concerned.</p> <p>10 THE SPECIAL MASTER: Excuse me,</p> <p>11 confused is different from concerned.</p> <p>12 Were you concerned?</p> <p>13 MR. GOMEZ: Objection, your</p> <p>14 Honor.</p> <p>15 THE SPECIAL MASTER: Overruled.</p> <p>16 The question was were you upset, I think,</p> <p>17 right?</p> <p>18 THE WITNESS: I don't recall at</p> <p>19 this time if it was -- I know there was a</p> <p>20 discussion, subsequent explaining, you</p> <p>21 know, ex parte contact.</p> <p>22 So I don't know at this point</p> <p>23 if I was no longer -- I was aware that ex</p> <p>24 parte contact took place, but I -- I don't</p> <p>25 recall exactly what I thought on this day,</p>	<p style="text-align: right;">Page 309</p> <p>1 L. GARR</p> <p>2 collaboration with Cabrera.</p> <p>3 Q. Mr. Donziger had been</p> <p>4 maintaining, had he not, telling you for</p> <p>5 months that you had to go to Ecuador to</p> <p>6 uncover and discover what relationship</p> <p>7 there was between Cabrera and the Lago</p> <p>8 Agrio plaintiff representatives; is that</p> <p>9 fair?</p> <p>10 A. Yes.</p> <p>11 Q. And here is a tape showing that</p> <p>12 Mr. Donziger himself is meeting with</p> <p>13 Cabrera, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Didn't you feel that</p> <p>16 Mr. Donziger had misled you into believing</p> <p>17 you had to go to Ecuador with him to</p> <p>18 uncover what the relationship was with</p> <p>19 Mr. Cabrera given that he himself had met</p> <p>20 with Cabrera?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. My only hesitation -- my</p> <p>24 hesitation is just the timing of things as</p> <p>25 they played out.</p>

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<p style="text-align: right;">Page 310</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Can you</p> <p>3 answer his question?</p> <p>4 A. I'm sorry, can you ask the</p> <p>5 question again? Did I feel misled, was</p> <p>6 that the question?</p> <p>7 Q. Yes.</p> <p>8 THE SPECIAL MASTER: Yes.</p> <p>9 A. At various points I did feel</p> <p>10 misled.</p> <p>11 Q. And you felt misled by</p> <p>12 Mr. Donziger at various points?</p> <p>13 MR. GOMEZ: Objection.</p> <p>14 THE SPECIAL MASTER: Overruled.</p> <p>15 A. Yes.</p> <p>16 Q. One of those points was you</p> <p>17 learning that Mr. Cabrera had met with</p> <p>18 Mr. Donziger, correct?</p> <p>19 A. Yes.</p> <p>20 Q. There were other points,</p> <p>21 though, in which you felt misled by</p> <p>22 Mr. Donziger?</p> <p>23 A. Yes.</p> <p>24 Q. What were those other points?</p> <p>25 A. I think there was a delay of</p>	<p style="text-align: right;">Page 312</p> <p>1 L. GARR</p> <p>2 Q. Put aside Mr. Donziger's</p> <p>3 explanations, which we will get to in a</p> <p>4 minute, but there were various points in</p> <p>5 which Mr. Donziger -- which you performed</p> <p>6 certain tasks and later learned</p> <p>7 information that called into question why</p> <p>8 Mr. Donziger had asked you to do things</p> <p>9 that he already knew about?</p> <p>10 A. Yes.</p> <p>11 MR. GOMEZ: Objection.</p> <p>12 THE SPECIAL MASTER: She said</p> <p>13 yes. The objection is overruled and it is</p> <p>14 too late in any event.</p> <p>15 Q. One of those things is sending</p> <p>16 you down to Ecuador to uncover information</p> <p>17 relating to the relationship between</p> <p>18 Cabrera and Stratus Consulting, correct?</p> <p>19 MR. GOMEZ: Objection.</p> <p>20 THE SPECIAL MASTER: Overruled.</p> <p>21 A. I'm not sure that was why I was</p> <p>22 sent. It was to obtain orders from the</p> <p>23 court. But trying to find out the process</p> <p>24 by which documents were submitted to the</p> <p>25 court seems that that was known prior and</p>
<p style="text-align: right;">Page 311</p> <p>1 L. GARR</p> <p>2 information that was relayed to me</p> <p>3 throughout the time, and so the delay with</p> <p>4 which information was shared, there were</p> <p>5 instances where I was doing work that in</p> <p>6 hindsight did not seem -- the documents,</p> <p>7 it seemed like they were aware of how the</p> <p>8 documents were submitted for the court</p> <p>9 record, there were moments when the</p> <p>10 explanation came subsequent -- it was</p> <p>11 delayed from when the initial allegation</p> <p>12 was made or the initial issue was raised.</p> <p>13 Q. I'm not sure I quite</p> <p>14 understand.</p> <p>15 A. Fair enough.</p> <p>16 Q. There were points in which</p> <p>17 looking back after you learned information</p> <p>18 from Mr. Donziger in hindsight you felt</p> <p>19 misled that you were asked to do certain</p> <p>20 things that were known to Mr. Donziger?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 A. Yes, although there always</p> <p>24 seemed to be an explanation of some sort</p> <p>25 that was provided.</p>	<p style="text-align: right;">Page 313</p> <p>1 L. GARR</p> <p>2 was not necessary for me to be looking</p> <p>3 into that.</p> <p>4 Q. What are some of the other</p> <p>5 things -- withdrawn.</p> <p>6 What are the other points at</p> <p>7 which you felt Mr. Donziger misled you</p> <p>8 because he had asked you to do certain</p> <p>9 things that you later realized he already</p> <p>10 knew?</p> <p>11 A. It would be the document</p> <p>12 production, in addition to the actual</p> <p>13 meeting.</p> <p>14 Q. Did you feel Mr. Donziger --</p> <p>15 A. And, I'm sorry, and the outtake</p> <p>16 footage again not being of any concern to</p> <p>17 then there being several outtake clips</p> <p>18 that were used that --</p> <p>19 Q. Did Mr. Woods respond --</p> <p>20 THE SPECIAL MASTER: Excuse me,</p> <p>21 she didn't finish her answer. Several</p> <p>22 outtakes of what, that were of concern?</p> <p>23 THE WITNESS: Well, that -- I</p> <p>24 think a lot of the outtakes were also not,</p> <p>25 but there were things that I think there</p>

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<p style="text-align: right;">Page 314</p> <p>1 L. GARR</p> <p>2 was a lot more film footage of what would</p> <p>3 otherwise have been privileged meetings</p> <p>4 and things of that nature that I was</p> <p>5 surprised by.</p> <p>6 Q. One of those footage outtakes</p> <p>7 were you surprised by was the footage</p> <p>8 outtake when there was Pablo Fajardo</p> <p>9 saying they would write the Cabrera</p> <p>10 report, in substance; do you remember that</p> <p>11 outtake and do you remember Ann Maest</p> <p>12 during that outtake laughing, but not</p> <p>13 Chevron?</p> <p>14 MS. PARADISE: Objection to</p> <p>15 form, compound.</p> <p>16 THE SPECIAL MASTER: Objection</p> <p>17 to form, what?</p> <p>18 MS. PARADISE: Compound.</p> <p>19 THE SPECIAL MASTER: Well, the</p> <p>20 clip was compound.</p> <p>21 A. I'm not sure the meeting I took</p> <p>22 to be that they were drafting his report</p> <p>23 for him, but the fact that there was a</p> <p>24 meeting of -- I mean, the quote you just</p> <p>25 said was not the thing that, you know, I</p>	<p style="text-align: right;">Page 316</p> <p>1 L. GARR</p> <p>2 A. No.</p> <p>3 Q. You didn't have a percentage</p> <p>4 interest in the outcome of litigation in</p> <p>5 Ecuador, correct?</p> <p>6 A. No, I do not -- did not -- do</p> <p>7 not.</p> <p>8 Q. Before we get to</p> <p>9 Mr. Donziger's -- well, we might as well</p> <p>10 do it now.</p> <p>11 You said at various points</p> <p>12 Mr. Donziger, in substance -- withdrawn.</p> <p>13 At times did Mr. Donziger</p> <p>14 provide explanations at the points at</p> <p>15 which you felt you were misled?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall the first</p> <p>18 explanation Mr. Donziger gave?</p> <p>19 MS. PARADISE: Objection to</p> <p>20 form, vague.</p> <p>21 Q. You recall the moments in which</p> <p>22 you raised issues with Mr. Donziger with</p> <p>23 respect to which you felt misled, correct?</p> <p>24 A. I don't know that I had</p> <p>25 conversations with him saying I felt</p>
<p style="text-align: right;">Page 315</p> <p>1 L. GARR</p> <p>2 don't know that I would characterize it</p> <p>3 that way.</p> <p>4 But the meeting was -- the</p> <p>5 meeting itself was one instance where I</p> <p>6 was surprised.</p> <p>7 THE VIDEOGRAPHER: We need to</p> <p>8 take a break to change tapes. Can we do</p> <p>9 it right now?</p> <p>10 THE SPECIAL MASTER: Yes.</p> <p>11 THE VIDEOGRAPHER: The time is</p> <p>12 4:50 p.m. We are off the record.</p> <p>13 (Recess taken.)</p> <p>14 THE VIDEOGRAPHER: We are back</p> <p>15 on the record. The time is 4:58 p.m.</p> <p>16 This is the beginning of disk five.</p> <p>17 BY MR. BRODSKY:</p> <p>18 Q. Ms. Garr, do you recall seeing</p> <p>19 in 2010 at some point the Crude outtake</p> <p>20 where Mr. Donziger expresses a motive of</p> <p>21 his for doing this case was to make money?</p> <p>22 A. I don't recall.</p> <p>23 Q. Your motive when you were</p> <p>24 assisting Mr. Donziger was not to make</p> <p>25 money, was it?</p>	<p style="text-align: right;">Page 317</p> <p>1 L. GARR</p> <p>2 misled.</p> <p>3 Q. There were points at which you</p> <p>4 felt --</p> <p>5 THE SPECIAL MASTER: You don't</p> <p>6 have to go over the old ground. Asked and</p> <p>7 answered, if you are going to ask her</p> <p>8 there were points at which you were</p> <p>9 misled. The answer is that was asked and</p> <p>10 answered several times.</p> <p>11 Q. Mr. Donziger gave explanations</p> <p>12 to you at times in 2010, correct, for</p> <p>13 questions you had regarding his conduct?</p> <p>14 A. I just want to be able to</p> <p>15 answer, questions that came up,</p> <p>16 allegations that were raised, say, it</p> <p>17 wasn't always his conduct, but questions</p> <p>18 regarding document production, say, to</p> <p>19 Stratus -- by Stratus to --</p> <p>20 Q. What do you remember about</p> <p>21 Mr. Donziger's explanations, for example,</p> <p>22 regarding, take Stratus' relationship --</p> <p>23 Cabrera's relationship with the Lago Agrio</p> <p>24 plaintiff representatives?</p> <p>25 THE SPECIAL MASTER: It is a</p>

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<p style="text-align: right;">Page 318</p> <p>1 L. GARR</p> <p>2 question of which moment in time. What</p> <p>3 was his first explanation, is that what</p> <p>4 you are after?</p> <p>5 MR. BRODSKY: Sure, I'll take</p> <p>6 the first, second and third.</p> <p>7 THE SPECIAL MASTER: What was</p> <p>8 the first explanation when you first went</p> <p>9 down there as to the relationship of the</p> <p>10 Lago Agrio plaintiffs and Mr. Cabrera?</p> <p>11 THE WITNESS: I believe -- I</p> <p>12 believe he stated that he needed to speak</p> <p>13 with counsel to find out the nature of</p> <p>14 what took place. And the first trip I</p> <p>15 took in March?</p> <p>16 THE SPECIAL MASTER: Yes.</p> <p>17 THE WITNESS: It was just to go</p> <p>18 speak with local counsel and what, if</p> <p>19 anything, was in the court record that</p> <p>20 permitted documents being provided to</p> <p>21 Cabrera.</p> <p>22 THE SPECIAL MASTER: Was that</p> <p>23 the first time he offered any explanation</p> <p>24 for the relationship of anybody with</p> <p>25 Cabrera? You had been there since 2007 or</p>	<p style="text-align: right;">Page 320</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection.</p> <p>3 THE SPECIAL MASTER: Overruled.</p> <p>4 A. If he felt he ever or in</p> <p>5 relation to this e-mail?</p> <p>6 Q. If Mr. Woods ever said to you</p> <p>7 he felt that he had been misled by</p> <p>8 Mr. Donziger.</p> <p>9 A. I don't recall.</p> <p>10 Q. You don't recall one way or the</p> <p>11 other?</p> <p>12 A. Yeah, I don't recall.</p> <p>13 Q. At what point -- you were</p> <p>14 describing how you went down to Ecuador</p> <p>15 with Mr. Dunkelberger, correct?</p> <p>16 A. Yes.</p> <p>17 Q. How did that -- who, if anyone,</p> <p>18 told you to go down with Mr. Dunkelberger?</p> <p>19 A. I believe I was asked to go</p> <p>20 down by Steven.</p> <p>21 Q. What did Mr. Donziger say?</p> <p>22 A. I don't recall entirely what he</p> <p>23 specifically said. I believe we were both</p> <p>24 to be going down, and I recall we were</p> <p>25 both supposed to go down, and then I</p>
<p style="text-align: right;">Page 319</p> <p>1 L. GARR</p> <p>2 thereabouts.</p> <p>3 THE WITNESS: I was there just</p> <p>4 the summer after my first year of law</p> <p>5 school in 2007 and then again in 2009.</p> <p>6 THE SPECIAL MASTER: All right.</p> <p>7 Q. And did you ever speak with</p> <p>8 Andrew Woods regarding your beliefs at the</p> <p>9 time that you were misled?</p> <p>10 MR. GOMEZ: Objection.</p> <p>11 THE SPECIAL MASTER: Overruled.</p> <p>12 A. I don't know that I -- I don't</p> <p>13 recall any conversations about being</p> <p>14 misled.</p> <p>15 Q. Do you recall speaking with</p> <p>16 Mr. Woods after sending him that e-mail</p> <p>17 regarding the Crude outtakes saying</p> <p>18 "Nothing of concern? nice...?"</p> <p>19 A. I don't recall any specific</p> <p>20 conversation. I don't know if we spoke</p> <p>21 after this e-mail.</p> <p>22 Q. Do you remember Mr. Woods</p> <p>23 expressing to you his view that he had</p> <p>24 been misled by Mr. Donziger on occasion in</p> <p>25 2010?</p>	<p style="text-align: right;">Page 321</p> <p>1 L. GARR</p> <p>2 recall I think he did not -- he did not</p> <p>3 end up coming.</p> <p>4 Q. And you went down with</p> <p>5 Mr. Dunkelberger by yourself?</p> <p>6 A. I'm sorry, I did not go down</p> <p>7 with him, but I did -- there is a better</p> <p>8 way to say that -- but I was down in</p> <p>9 Ecuador when he was down there.</p> <p>10 THE SPECIAL MASTER: While I'm</p> <p>11 thinking of it, apart from your counsel</p> <p>12 and apart from what you said today here,</p> <p>13 had you ever shared your feeling that you</p> <p>14 had been misled by Mr. Donziger with any</p> <p>15 other person?</p> <p>16 THE WITNESS: Again, I don't</p> <p>17 know about misled, but I did have a</p> <p>18 concern at one point when the allegations</p> <p>19 were raised that I did seek the advice of</p> <p>20 independent counsel at one point.</p> <p>21 THE SPECIAL MASTER: Thank you.</p> <p>22 Q. That's Professor Bruce Green</p> <p>23 from Fordham University?</p> <p>24 A. Yes.</p> <p>25 Q. When you spoke to Mr. Green,</p>

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<p style="text-align: right;">Page 322</p> <p>1 L. GARR</p> <p>2 I'm not asking you about your conversation</p> <p>3 with Mr. Green or what Mr. Green said, put</p> <p>4 that aside, but when you spoke to</p> <p>5 Mr. Green, the information you provided to</p> <p>6 Mr. Green was based on representations</p> <p>7 that Mr. Donziger gave to you, correct?</p> <p>8 MR. HILLE: Can I just hear the</p> <p>9 question again?</p> <p>10 THE SPECIAL MASTER: No way.</p> <p>11 I'm not going to let -- no way.</p> <p>12 Q. What did you understand -- did</p> <p>13 Mr. Donziger explain to you the purpose of</p> <p>14 what you were doing in Ecuador with</p> <p>15 Mr. Dunkelberger?</p> <p>16 MR. GOMEZ: Objection.</p> <p>17 THE SPECIAL MASTER: Overruled.</p> <p>18 A. I don't recall a specific</p> <p>19 conversation, but I had an understanding</p> <p>20 of the purpose of the visit.</p> <p>21 Q. What is your understanding of</p> <p>22 the purpose of the visit?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Before I</p> <p>25 respond to that objection, I'm going to</p>	<p style="text-align: right;">Page 324</p> <p>1 L. GARR</p> <p>2 believe that we were there.</p> <p>3 Q. What was Mr. Dunkelberger</p> <p>4 doing?</p> <p>5 A. I recall a meeting with --</p> <p>6 between him and -- between</p> <p>7 Mr. Dunkelberger and his colleague whose</p> <p>8 name I'm spacing, and I believe Juan Pablo</p> <p>9 Saenz, Julio Prieto and Pablo Fajardo, I</p> <p>10 believe he was there, kind of discussing</p> <p>11 the background of the case and then just</p> <p>12 general information that he would need to</p> <p>13 perform any scientific reports.</p> <p>14 Q. Was Mr. Dunkelberger given</p> <p>15 Mr. Cabrera's report, including the</p> <p>16 summary and the annexes?</p> <p>17 A. I don't recall fully, but I</p> <p>18 believe that was part of the documentation</p> <p>19 that was provided.</p> <p>20 Q. And Mr. Dunkelberger was basing</p> <p>21 in part his work on the Cabrera report,</p> <p>22 correct?</p> <p>23 MR. GOMEZ: Objection.</p> <p>24 THE SPECIAL MASTER: Overruled.</p> <p>25 A. I don't know what -- I don't</p>
<p style="text-align: right;">Page 323</p> <p>1 L. GARR</p> <p>2 ask you a question for voir dire. How did</p> <p>3 you get the understanding?</p> <p>4 THE WITNESS: At meetings that</p> <p>5 were held with all counsel in the matter.</p> <p>6 THE SPECIAL MASTER: Oh, you</p> <p>7 mean Patton Boggs and Donziger and so</p> <p>8 forth?</p> <p>9 THE WITNESS: Yeah, and -- yes.</p> <p>10 THE SPECIAL MASTER: Your</p> <p>11 objection is overruled.</p> <p>12 A. I'm sorry, I don't recall the</p> <p>13 question.</p> <p>14 Q. What was your understanding of</p> <p>15 the purpose of the visit?</p> <p>16 A. I believe it was an</p> <p>17 introduction of Ted Dunkelberger and his</p> <p>18 colleague to the Ecuadorian local counsel</p> <p>19 for purposes of subsequent expert reports</p> <p>20 that would be submitted in the Lago Agrio</p> <p>21 trial.</p> <p>22 Q. And how much time did you spend</p> <p>23 with Mr. Dunkelberger in Ecuador?</p> <p>24 A. Again, I'm sorry, I'm not sure</p> <p>25 which date it was. It was a few days I</p>	<p style="text-align: right;">Page 325</p> <p>1 L. GARR</p> <p>2 know what the experts used in -- I know</p> <p>3 they were provided the information, but I</p> <p>4 don't know.</p> <p>5 Q. Were you present when anybody,</p> <p>6 including yourself, told</p> <p>7 Mr. Dunkelberger -- well, withdrawn.</p> <p>8 Did you ever tell</p> <p>9 Mr. Dunkelberger the nature of the</p> <p>10 relationship between Cabrera and the Lago</p> <p>11 Agrio plaintiff representatives prior to</p> <p>12 or during your trip in Ecuador?</p> <p>13 MR. GOMEZ: Objection.</p> <p>14 MR. BRODSKY: What's the</p> <p>15 objection?</p> <p>16 MR. GOMEZ: Privileged,</p> <p>17 attorney work product.</p> <p>18 THE SPECIAL MASTER: Overruled.</p> <p>19 A. Not that I recall.</p> <p>20 Q. Did anybody ask you ever not to</p> <p>21 talk to Mr. Dunkelberger about</p> <p>22 Mr. Cabrera's relationship with the Lago</p> <p>23 Agrio plaintiff representatives?</p> <p>24 A. No.</p> <p>25 Q. Did anybody in your presence</p>

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<p style="text-align: right;">Page 326</p> <p>1 L. GARR</p> <p>2 ever tell Mr. Dunkelberger that, or</p> <p>3 describe -- withdrawn.</p> <p>4 Did anybody in your presence</p> <p>5 tell Mr. Dunkelberger information about</p> <p>6 the relationship between Cabrera and the</p> <p>7 Lago Agrio plaintiff representatives?</p> <p>8 MR. GOMEZ: Objection, vague.</p> <p>9 THE SPECIAL MASTER: If you</p> <p>10 understand the question, answer it.</p> <p>11 A. I don't recall a specific</p> <p>12 conversation, but I do believe he was</p> <p>13 aware of the allegations surrounding the</p> <p>14 Cabrera report and the -- I believe he was</p> <p>15 made aware that it was -- the purpose of</p> <p>16 subsequent damage reports were to be</p> <p>17 independent of the Cabrera report, I</p> <p>18 believe, although I don't recall who or</p> <p>19 what conversation took place.</p> <p>20 Q. You don't recall who said that?</p> <p>21 A. No.</p> <p>22 Q. You have a general recollection</p> <p>23 that somebody told that to</p> <p>24 Mr. Dunkelberger?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">Page 328</p> <p>1 L. GARR</p> <p>2 A. I don't recall.</p> <p>3 Q. Were you involved at all with</p> <p>4 any of the other experts in connection</p> <p>5 with these cleansing reports, other than</p> <p>6 Mr. Dunkelberger?</p> <p>7 A. There was a colleague with</p> <p>8 Mr. Dunkelberger at that time who I was</p> <p>9 with during those days. I'm sorry, can</p> <p>10 you repeat the question?</p> <p>11 Q. Putting aside Mr. Dunkelberger</p> <p>12 and anyone working with Mr. Dunkelberger,</p> <p>13 did you speak with or interact with any</p> <p>14 other cleansing expert?</p> <p>15 A. I don't recall who the contact</p> <p>16 was. If there was somebody else I might</p> <p>17 have communicated to provide documentation</p> <p>18 that was requested. It might have been</p> <p>19 someone other than those two people, but I</p> <p>20 don't recall.</p> <p>21 Q. Did you have any interaction</p> <p>22 with The Weinberg Group?</p> <p>23 A. I believe that was Ted</p> <p>24 Dunkelberger's.</p> <p>25 Q. Anybody else at The Weinberg</p>
<p style="text-align: right;">Page 327</p> <p>1 L. GARR</p> <p>2 Q. Do you have any memory of</p> <p>3 anybody telling Mr. Dunkelberger that the</p> <p>4 Cabrera report was functionally written by</p> <p>5 the Lago Agrio plaintiff representatives?</p> <p>6 A. I don't recall, but I do</p> <p>7 recall -- I vaguely recall there being</p> <p>8 discussions of it was Stratus work as part</p> <p>9 of that underlying the report, I believe.</p> <p>10 So I don't recall -- which</p> <p>11 makes me think there was a conversation</p> <p>12 about that at some point, but I don't</p> <p>13 recall.</p> <p>14 Q. Did anybody tell</p> <p>15 Mr. Dunkelberger that Stratus in fact had</p> <p>16 written the Cabrera report?</p> <p>17 A. I don't recall. I don't</p> <p>18 recall. I vaguely recall there being</p> <p>19 discussions, again, that the work was</p> <p>20 Stratus' work and that's where the</p> <p>21 reference -- I mean, that's -- that</p> <p>22 Stratus -- I'm sorry, I don't recall.</p> <p>23 Q. Did anybody in your presence</p> <p>24 discuss Chevron's allegations relating to</p> <p>25 the Cabrera report with Mr. Dunkelberger?</p>	<p style="text-align: right;">Page 329</p> <p>1 L. GARR</p> <p>2 Group other than Ted Dunkelberger?</p> <p>3 A. Again, I'm not sure if there</p> <p>4 was somebody, another contact that I sent</p> <p>5 documents to at some point.</p> <p>6 Q. Did Mr. Donziger talk about</p> <p>7 what The Weinberg Group was going to do?</p> <p>8 A. Yes.</p> <p>9 Q. And what did Mr. Donziger say?</p> <p>10 A. Again, I'm not recalling a</p> <p>11 specific conversation, but generally that</p> <p>12 The Weinberg Group was -- I believe there</p> <p>13 were several experts from various fields</p> <p>14 that were doing expert reports on various</p> <p>15 categories of damages and that it would be</p> <p>16 to be submitted in the Lago Agrio trial.</p> <p>17 Q. And did you understand what</p> <p>18 Weinberg Group's role was in connection</p> <p>19 with each of those experts?</p> <p>20 A. I don't know if those experts</p> <p>21 worked for The Weinberg Group or if The</p> <p>22 Weinberg Group coordinated obtaining the</p> <p>23 experts.</p> <p>24 THE SPECIAL MASTER: I'm sorry,</p> <p>25 did you say that you were delivering</p>

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<p style="text-align: right;">Page 330</p> <p>1 L. GARR</p> <p>2 documents to The Weinberg -- to</p> <p>3 Mr. Dunkelberger?</p> <p>4 THE WITNESS: I did assist</p> <p>5 sending documents from Ecuador, that were</p> <p>6 requested, documents that were requested</p> <p>7 for review as part of the expert report.</p> <p>8 THE SPECIAL MASTER: Did you</p> <p>9 send them the work of Stratus or anything</p> <p>10 like that?</p> <p>11 THE WITNESS: I recall it being</p> <p>12 a very large quantity of documents. I</p> <p>13 don't know exactly what was sent over.</p> <p>14 But it was enumerated list of items that</p> <p>15 were requested and sent over.</p> <p>16 THE SPECIAL MASTER: Are you</p> <p>17 aware that there were, how should I put</p> <p>18 it, professional criticisms of the Cabrera</p> <p>19 report that were made when the report</p> <p>20 first came out?</p> <p>21 THE WITNESS: I'm sorry, of the</p> <p>22 Cabrera report when it first came out?</p> <p>23 THE SPECIAL MASTER: Of the</p> <p>24 Cabrera report.</p> <p>25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 332</p> <p>1 L. GARR</p> <p>2 connection with your work on these</p> <p>3 cleansing reports where you felt</p> <p>4 Mr. Donziger misled you?</p> <p>5 A. No.</p> <p>6 Q. Did Mr. Fajardo provide you</p> <p>7 with any information to give to The</p> <p>8 Weinberg Group?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Were you present when Mr. --</p> <p>11 when The Weinberg Group, any</p> <p>12 representative, Mr. Dunkelberger, obtained</p> <p>13 any information from Mr. Fajardo?</p> <p>14 MR. GOMEZ: Objection, assumes</p> <p>15 facts.</p> <p>16 THE SPECIAL MASTER: He is</p> <p>17 right. The objection is sustained.</p> <p>18 Q. Did you observe</p> <p>19 Mr. Dunkelberger interacting with Pablo</p> <p>20 Fajardo?</p> <p>21 A. I believe Pablo was at the</p> <p>22 meeting that I referenced earlier where</p> <p>23 there was a discussion.</p> <p>24 Q. At any point did Mr. Fajardo</p> <p>25 provide documents to Mr. Weinberg -- I</p>
<p style="text-align: right;">Page 331</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: Did you</p> <p>3 become aware at some point that --</p> <p>4 THE WITNESS: I'm sorry, I'm</p> <p>5 not aware when it first came out that</p> <p>6 there were criticisms, but I'm aware that</p> <p>7 criticisms were made of the Cabrera</p> <p>8 report.</p> <p>9 THE SPECIAL MASTER: Did you</p> <p>10 become aware of the fact that it was</p> <p>11 Stratus who made the criticisms of their</p> <p>12 own work?</p> <p>13 THE WITNESS: I don't know</p> <p>14 about that. I do know that there was a</p> <p>15 subsequent reply that was also drafted by</p> <p>16 Stratus. I did become aware of that. I</p> <p>17 don't remember if it was criticisms or</p> <p>18 not, but there was something else that was</p> <p>19 submitted.</p> <p>20 THE SPECIAL MASTER: My then</p> <p>21 question was, did you send that to</p> <p>22 Dunkelberger?</p> <p>23 THE WITNESS: I don't recall.</p> <p>24 I don't know.</p> <p>25 Q. Did you learn anything in</p>	<p style="text-align: right;">Page 333</p> <p>1 L. GARR</p> <p>2 mean Mr. Dunkelberger?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Anybody, any of the Lago Agrio</p> <p>5 plaintiff representatives in your presence</p> <p>6 provide documents to Mr. Dunkelberger?</p> <p>7 A. He had requested documents that</p> <p>8 were provided by the -- that were -- all</p> <p>9 of the documents that were provided to The</p> <p>10 Weinberg Group that I'm aware of came from</p> <p>11 the Lago Agrio representatives, from that</p> <p>12 office.</p> <p>13 Q. Do you know who was giving him</p> <p>14 the documents?</p> <p>15 A. I know -- I believe in that</p> <p>16 first visit there were some that were</p> <p>17 provided, that were available offhand, I</p> <p>18 think. Otherwise a list was just created</p> <p>19 and some were sent and pulled at their</p> <p>20 request and at the request of the experts</p> <p>21 thereafter.</p> <p>22 Q. What documents?</p> <p>23 A. There was -- there was a very</p> <p>24 long list of different things that were</p> <p>25 filed in the -- that had been filed,</p>

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<p style="text-align: right;">Page 334</p> <p>1 L. GARR</p> <p>2 different reports that had been filed in</p> <p>3 the Lago Agrio trial from various experts,</p> <p>4 various chemical samplings, I recall</p> <p>5 various maps and geographic materials, I</p> <p>6 believe census data was requested and</p> <p>7 supplied.</p> <p>8 I don't know that that was from</p> <p>9 the record. I think that was maybe</p> <p>10 Ecuadorian census data, or maybe it was</p> <p>11 from the court record, I don't know. It</p> <p>12 was a whole host of various requests for</p> <p>13 information.</p> <p>14 Q. Did you have an understanding</p> <p>15 that The Weinberg Group was writing or</p> <p>16 drafting -- withdrawn.</p> <p>17 Did you have any understanding</p> <p>18 that The Weinberg Group was drafting the</p> <p>19 reports or any report by any of the</p> <p>20 cleansing experts?</p> <p>21 MR. GOMEZ: Objection.</p> <p>22 A. I'm sorry, I don't understand.</p> <p>23 I don't know.</p> <p>24 Q. Do you know one way or the</p> <p>25 other whether The Weinberg Group was</p>	<p style="text-align: right;">Page 336</p> <p>1 L. GARR</p> <p>2 one second, I have to explain something.</p> <p>3 Mr. Gomez, the subject of The Weinberg</p> <p>4 Group, the cleansing experts, was also the</p> <p>5 subject of a substantial amount of</p> <p>6 testimony by Mr. Donziger without any</p> <p>7 objection by any of the three lawyers for</p> <p>8 your clients and also no objection by</p> <p>9 counsel for Mr. Donziger.</p> <p>10 Furthermore, the cleansing</p> <p>11 reports are indeed a subject of waiver</p> <p>12 specifically in the January 19, 2011</p> <p>13 letter from counsel for Mr. Donziger,</p> <p>14 Bruce Kaplan.</p> <p>15 While I'm on that subject, let</p> <p>16 me mark this as -- I think you have a</p> <p>17 copy, Mr. Gomez, I think we sent you a</p> <p>18 copy -- I'm going to mark as Special</p> <p>19 Master Exhibit 2 a copy of the January 19,</p> <p>20 2011 letter to me as then Special Master</p> <p>21 in the 1782 proceeding in this court by</p> <p>22 Bruce Kaplan, counsel for Mr. Donziger in</p> <p>23 which, among other things, he specifically</p> <p>24 states that they will not assert any</p> <p>25 privilege with respect to the matters --</p>
<p style="text-align: right;">Page 335</p> <p>1 L. GARR</p> <p>2 actually writing any of the reports of the</p> <p>3 cleansing experts?</p> <p>4 MR. GOMEZ: Objection.</p> <p>5 THE SPECIAL MASTER: Overruled.</p> <p>6 A. I don't understand the</p> <p>7 question, I'm sorry. The Weinberg -- oh,</p> <p>8 you mean like the -- no, I don't know. I</p> <p>9 don't know.</p> <p>10 Q. Just to make my question clear,</p> <p>11 do you have any understanding that The</p> <p>12 Weinberg Group was doing what Stratus was</p> <p>13 doing for Cabrera, The Weinberg Group was</p> <p>14 drafting reports for cleansing experts in</p> <p>15 the way Stratus drafted the report for</p> <p>16 Cabrera?</p> <p>17 MR. GOMEZ: Objection.</p> <p>18 THE SPECIAL MASTER: Overruled.</p> <p>19 A. No, I don't know who worked</p> <p>20 under the umbrella of The Weinberg Group,</p> <p>21 if some of the experts themselves worked</p> <p>22 for The Weinberg Group, in which case it</p> <p>23 is what they were hired to do. I don't</p> <p>24 know the relationship.</p> <p>25 THE SPECIAL MASTER: Excuse me</p>	<p style="text-align: right;">Page 337</p> <p>1 L. GARR</p> <p>2 of the following matters, the Cabrera</p> <p>3 report, the submission to the Lago Agrio</p> <p>4 court of the request to file new reports</p> <p>5 or the preparation of the supplemental</p> <p>6 damage reports, which we understood to</p> <p>7 mean the cleansing of the Cabrera report,</p> <p>8 and then he goes on to say what other</p> <p>9 things he will not assert privilege about,</p> <p>10 one of which is basically irrelevant here,</p> <p>11 and then he goes on to talk about a couple</p> <p>12 of things that they will assert work</p> <p>13 product privilege about.</p> <p>14 (Special Master Exhibit 2</p> <p>15 marked for identification.)</p> <p>16 Q. Let me show you, Ms. Garr,</p> <p>17 Exhibit 4240, which is a multipage</p> <p>18 document. It is an e-mail from Adlai</p> <p>19 Small, asmall@pattonboggs.com, to Laura</p> <p>20 Garr, subject, Additional Information</p> <p>21 Requests, dated August 31st, 2010, and it</p> <p>22 contains an attachment of Supplemental</p> <p>23 Information Request No. 4 from D. Allen to</p> <p>24 C. Arthur, T. Dunkelberger, The Weinberg</p> <p>25 Group, and it contains another attachment,</p>

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<p style="text-align: right;">Page 338</p> <p>1 L. GARR</p> <p>2 two-page attachment of D. Allen dated</p> <p>3 August 27, 2010 to C. Arthur, T.</p> <p>4 Dunkelberger, The Weinberg Group. It is a</p> <p>5 GARR9236 Bates number to 40 produced</p> <p>6 pursuant to the 502 agreement.</p> <p>7 (Plaintiff's Exhibit 4240</p> <p>8 marked for identification.)</p> <p>9 (Witness perusing document.)</p> <p>10 A. Yes, I reviewed this document.</p> <p>11 Q. And this is, at the bottom, an</p> <p>12 e-mail from Chris Arthur of The Weinberg</p> <p>13 Group. Do you recognize Chris Arthur, do</p> <p>14 you know who that is?</p> <p>15 A. I don't. I don't recognize</p> <p>16 him.</p> <p>17 Q. Do you know who D. Allen is, or</p> <p>18 Doug Allen?</p> <p>19 A. No, I don't recall.</p> <p>20 Q. Do you have an understanding of</p> <p>21 why -- of what the purpose of D. Allen</p> <p>22 making requests to the Dunkelberger -- The</p> <p>23 Weinberg Group for information?</p> <p>24 A. I would assume it is one of the</p> <p>25 experts, but I don't recall.</p>	<p style="text-align: right;">Page 340</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection, form and</p> <p>3 privilege.</p> <p>4 THE SPECIAL MASTER: What</p> <p>5 privilege is this?</p> <p>6 MR. GOMEZ: Attorney work</p> <p>7 product.</p> <p>8 THE SPECIAL MASTER: Waived.</p> <p>9 A. We discussed various</p> <p>10 information requests that came in, and I</p> <p>11 believe there was -- I believe someone</p> <p>12 that worked with him that created kind of</p> <p>13 a chart or a tally of the documents that</p> <p>14 were requested and being provided, and so</p> <p>15 he was -- we communicated where I was</p> <p>16 sending information that was requested by</p> <p>17 the experts.</p> <p>18 Q. Did you have any understanding</p> <p>19 of whether any of the cleansing experts</p> <p>20 were doing any work themselves in Ecuador,</p> <p>21 putting aside Mr. Dunkelberger and The</p> <p>22 Weinberg Group, did you have any</p> <p>23 understanding as to whether any cleansing</p> <p>24 experts were doing any work themselves in</p> <p>25 Ecuador?</p>
<p style="text-align: right;">Page 339</p> <p>1 L. GARR</p> <p>2 Q. It has an e-mail exchange here</p> <p>3 where you are being forwarded the</p> <p>4 information from Adlai Small of Patton</p> <p>5 Boggs. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. What role did Patton Boggs play</p> <p>8 in connection with The Weinberg Group?</p> <p>9 MR. GOMEZ: Objection.</p> <p>10 THE SPECIAL MASTER: Who said</p> <p>11 that?</p> <p>12 MR. GOMEZ: I did.</p> <p>13 THE SPECIAL MASTER: Overruled.</p> <p>14 A. I believe Adlai Small was the</p> <p>15 contact with The Weinberg Group -- at</p> <p>16 least was the person I dealt with in terms</p> <p>17 of information requests from The Weinberg</p> <p>18 Group, or from the experts for the</p> <p>19 reports.</p> <p>20 Q. Did you speak with Mr. Small</p> <p>21 about requests coming from The Weinberg</p> <p>22 Group?</p> <p>23 A. Yes.</p> <p>24 Q. What did Mr. Small say to you</p> <p>25 and what did you say to him?</p>	<p style="text-align: right;">Page 341</p> <p>1 L. GARR</p> <p>2 MR. GOMEZ: Objection, vague.</p> <p>3 THE SPECIAL MASTER: Objection</p> <p>4 what?</p> <p>5 MR. GOMEZ: Vague.</p> <p>6 THE SPECIAL MASTER: I know.</p> <p>7 What is it?</p> <p>8 MR. GOMEZ: Form.</p> <p>9 THE SPECIAL MASTER: It is</p> <p>10 pretty bad. Why don't you revise it.</p> <p>11 Q. Were any of the cleansing</p> <p>12 experts, to your knowledge, doing any</p> <p>13 sampling in Ecuador?</p> <p>14 A. I don't recall. Not that I</p> <p>15 recall.</p> <p>16 Q. Did you know how much time</p> <p>17 these experts drafted -- how much time it</p> <p>18 took the experts to draft these reports?</p> <p>19 A. I don't recall, but I do recall</p> <p>20 there being -- time was a concern, what</p> <p>21 could be done in the short amount of time</p> <p>22 to have it completed.</p> <p>23 Q. Who told you time was a</p> <p>24 concern?</p> <p>25 A. I recall discussions about the</p>

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<p style="text-align: right;">Page 342</p> <p>1 L. GARR</p> <p>2 nature of the work, I guess, of what could</p> <p>3 be completed, or what type of report could</p> <p>4 be produced, what information could be</p> <p>5 gathered or done at the time.</p> <p>6 Q. And was there -- did anybody</p> <p>7 express to you that there was time</p> <p>8 pressure because the Lago Agrio</p> <p>9 plaintiffs' representatives wanted to have</p> <p>10 these cleansing reports done before all</p> <p>11 the disclosures came out in the United</p> <p>12 States relating to the Cabrera report?</p> <p>13 MR. GOMEZ: Objection.</p> <p>14 THE SPECIAL MASTER: No, that</p> <p>15 is okay. If it is a privilege objection,</p> <p>16 it is overruled.</p> <p>17 A. No.</p> <p>18 Q. Are you familiar with the use</p> <p>19 by Mr. Donziger of the word "puppeteer"?</p> <p>20 A. No.</p> <p>21 Q. Were you aware that</p> <p>22 Mr. Donziger was using code words for</p> <p>23 people?</p> <p>24 MR. GOMEZ: Objection, assumes</p> <p>25 facts.</p>	<p style="text-align: right;">Page 344</p> <p>1 L. GARR</p> <p>2 Q. Had you ever heard Mr. Donziger</p> <p>3 refer to the Lago Agrio court as</p> <p>4 Restaurant?</p> <p>5 A. No.</p> <p>6 Q. In writing or otherwise?</p> <p>7 A. No.</p> <p>8 Q. And had you ever heard of</p> <p>9 Mr. Donziger referring to anyone as</p> <p>10 Waiter?</p> <p>11 A. Besides --</p> <p>12 Q. Besides an actual waiter.</p> <p>13 A. No.</p> <p>14 Q. Or a judge as Cook?</p> <p>15 A. No.</p> <p>16 THE SPECIAL MASTER: See what I</p> <p>17 mean about the record being well-developed</p> <p>18 in this area?</p> <p>19 Q. There came a point -- did there</p> <p>20 come a point, Ms. Garr, when the</p> <p>21 withdrawals of Constantine Cannon, the</p> <p>22 Brownstein firm, and any other firm caused</p> <p>23 you concern?</p> <p>24 MR. GOMEZ: Objection.</p> <p>25 THE SPECIAL MASTER: Overruled.</p>
<p style="text-align: right;">Page 343</p> <p>1 L. GARR</p> <p>2 THE SPECIAL MASTER: No, I</p> <p>3 think the record is sufficiently developed</p> <p>4 on this and has plenty of foundation.</p> <p>5 A. No.</p> <p>6 Q. Had you ever heard Mr. Donziger</p> <p>7 refer to Mr. Cabrera as Wao, spelled</p> <p>8 W-a-o?</p> <p>9 A. No.</p> <p>10 Q. Or Waiter?</p> <p>11 A. Waiter? No.</p> <p>12 Q. Had you ever heard Mr. Donziger</p> <p>13 refer to Pablo Fajardo in writing or in</p> <p>14 person as Bebe, B-e-b-e?</p> <p>15 A. Yes.</p> <p>16 Q. And BB, the word BB, in</p> <p>17 writing?</p> <p>18 A. I think his nickname was Bebe,</p> <p>19 like B-e-b-e.</p> <p>20 Q. Had you ever heard</p> <p>21 Mr. Donziger --</p> <p>22 A. I'm sorry, I think Pablo</p> <p>23 Fajardo referred to himself that way, I</p> <p>24 recall. I don't know that Steven ever</p> <p>25 did.</p>	<p style="text-align: right;">Page 345</p> <p>1 L. GARR</p> <p>2 A. As I had mentioned earlier,</p> <p>3 there was one point in relation to the</p> <p>4 Cabrera -- the allegations raised in the</p> <p>5 1782 in Colorado where I was concerned at</p> <p>6 that time, and I believe there was a</p> <p>7 withdrawal of a firm around that at that</p> <p>8 time.</p> <p>9 So at that point I had</p> <p>10 concerns, although I don't know if it was</p> <p>11 specific to the firm withdrawal or if it</p> <p>12 was just generally all the events that</p> <p>13 were taking place at that time.</p> <p>14 Q. Did you ever speak to Mr. Page</p> <p>15 regarding the withdrawals of any counsel</p> <p>16 in representing the Lago Agrio plaintiff</p> <p>17 representatives in the District of</p> <p>18 Colorado?</p> <p>19 A. I don't recall.</p> <p>20 Q. Were you aware of any payments</p> <p>21 made by or at the direction of</p> <p>22 Mr. Donziger to Judge Zambrano?</p> <p>23 A. No.</p> <p>24 Q. Were you aware of any payments</p> <p>25 made by or at the direction of Alberto --</p>

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<p style="text-align: right;">Page 346</p> <p>1 L. GARR</p> <p>2 at Mr. Donziger's direction or by him to</p> <p>3 Alberto Guerra?</p> <p>4 A. No.</p> <p>5 Q. Were you aware of any payments</p> <p>6 made by representatives of the Lago Agrio</p> <p>7 plaintiffs to Judge Zambrano?</p> <p>8 A. No. Is that different than the</p> <p>9 first question you asked me?</p> <p>10 Q. Yes.</p> <p>11 A. I'm sorry, I didn't --</p> <p>12 Q. Were you aware of whether any</p> <p>13 of the Lago Agrio plaintiff</p> <p>14 representatives made any payments to</p> <p>15 Mr. Zambrano?</p> <p>16 A. Oh, I'm sorry, I was listening</p> <p>17 to the name, I'm sorry. No, I'm not</p> <p>18 aware, no.</p> <p>19 Q. Or Alberto Guerra?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of whether</p> <p>22 Mr. Donziger paid a bonus to any of the</p> <p>23 Ecuadorian plaintiffs' representatives for</p> <p>24 any reason --</p> <p>25 MR. GOMEZ: Objection.</p>	<p style="text-align: right;">Page 348</p> <p>1 L. GARR</p> <p>2 Q. In your presence?</p> <p>3 A. I think so. I believe so.</p> <p>4 Q. Was there anyone else present</p> <p>5 for the conversation?</p> <p>6 A. I don't recall. I don't</p> <p>7 recall.</p> <p>8 Q. Approximately when did it</p> <p>9 occur?</p> <p>10 A. It would be during the 2009 to</p> <p>11 2010 year.</p> <p>12 Q. What did Mr. Donziger say, if</p> <p>13 anything, in response?</p> <p>14 A. I think he said something along</p> <p>15 the lines of I'm sorry, you will get paid,</p> <p>16 something like that.</p> <p>17 Q. Do you know how Mr. Donziger</p> <p>18 made any payments to the representatives</p> <p>19 of the Lago Agrio plaintiffs?</p> <p>20 A. I'm not certain.</p> <p>21 Q. Did you observe Mr. Donziger</p> <p>22 giving money to, in any form, to the Lago</p> <p>23 Agrio plaintiff representatives?</p> <p>24 A. No.</p> <p>25 Q. There came a point, Ms. Garr,</p>
<p style="text-align: right;">Page 347</p> <p>1 L. GARR</p> <p>2 Q. -- a bonus of money?</p> <p>3 MR. GOMEZ: Objection.</p> <p>4 A. To the plaintiffs, as in the</p> <p>5 Ecuadorian counsel?</p> <p>6 Q. Yes.</p> <p>7 A. I don't know about a bonus, but</p> <p>8 I do recall -- I believe I recall a</p> <p>9 conversation about increasing salary or --</p> <p>10 I think maybe it was just actually getting</p> <p>11 paid back salary at one point.</p> <p>12 Q. To whom?</p> <p>13 A. I'm sorry, to the Ecuadorian</p> <p>14 counsel, Julio Prieto and Juan Pablo</p> <p>15 Saenz.</p> <p>16 Q. How did you learn this?</p> <p>17 A. It is a vague recollection, but</p> <p>18 I recall there being -- I think being in</p> <p>19 Ecuador with discussions of the fact that</p> <p>20 they had -- I think they had not been paid</p> <p>21 in a while, and I recall -- yeah, I recall</p> <p>22 that they had not been paid in a while.</p> <p>23 Q. And you recall Mr. Prieto and</p> <p>24 Mr. Saenz saying this to whom?</p> <p>25 A. To Steven, I believe.</p>	<p style="text-align: right;">Page 349</p> <p>1 L. GARR</p> <p>2 when you left Mr. Donziger's employment,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 (Plaintiff's Exhibit 4244</p> <p>6 marked for identification.)</p> <p>7 Q. Let me show you Exhibit 4244,</p> <p>8 which is a one-page document, GARR24365,</p> <p>9 from Laura Garr dated October 1st, 2010 to</p> <p>10 Steven Donziger, "Re: Update."</p> <p>11 A. I see it, yes.</p> <p>12 Q. Is this on or about the day</p> <p>13 that you were leaving Mr. Donziger's</p> <p>14 employment?</p> <p>15 A. I don't recall the exact day.</p> <p>16 I don't recall the exact day I left, but</p> <p>17 it was around October, the beginning of</p> <p>18 October.</p> <p>19 Q. Mr. Donziger says in his e-mail</p> <p>20 at 11:05 a.m., "I want to hear your</p> <p>21 concerns and try to chart a way forward."</p> <p>22 Do you see that in the third</p> <p>23 sentence?</p> <p>24 A. Yes.</p> <p>25 Q. Do you understand what he meant</p>

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<p style="text-align: right;">Page 350</p> <p>1 L. GARR</p> <p>2 by "your concerns"?</p> <p>3 A. I don't recall. I don't.</p> <p>4 Q. You don't remember at the time</p> <p>5 shortly before you left Mr. Donziger's</p> <p>6 employment expressing concerns directly to</p> <p>7 him?</p> <p>8 A. I recall us having a</p> <p>9 conversation about working conditions and</p> <p>10 arrangements that this may be referring</p> <p>11 to.</p> <p>12 Q. What working conditions and</p> <p>13 arrangements?</p> <p>14 A. I believe we had gotten into --</p> <p>15 toward the end we were disagreeing about</p> <p>16 the way -- I was not being treated well</p> <p>17 toward the end.</p> <p>18 Q. What do you mean by that?</p> <p>19 A. I recall there being</p> <p>20 discussions where a friend of his came to</p> <p>21 work on the case that I didn't enjoy</p> <p>22 working with, and also I think we were</p> <p>23 just -- he was not being very pleasant to</p> <p>24 work with.</p> <p>25 Q. And what do you mean by he was</p>	<p style="text-align: right;">Page 352</p> <p>1 L. GARR</p> <p>2 H5 office space?</p> <p>3 A. Andrew Woods, I was, Eric Moe</p> <p>4 came and was working there. There was a</p> <p>5 point when there was a contract attorney</p> <p>6 that also worked there.</p> <p>7 THE SPECIAL MASTER: Who was</p> <p>8 the contract attorney?</p> <p>9 THE WITNESS: I forget his</p> <p>10 name, but he was referenced in one of the</p> <p>11 documents that I reviewed. So I saw it</p> <p>12 recently. I would remember it if I saw it</p> <p>13 again. But I don't remember his name now.</p> <p>14 Q. Who hired him, H5 or Steven</p> <p>15 Donziger?</p> <p>16 A. I don't know.</p> <p>17 Q. At the time you left his</p> <p>18 employment was part of your concerns that</p> <p>19 Mr. Donziger did not react appropriately</p> <p>20 when you raised your own concerns</p> <p>21 regarding what was taking place in the</p> <p>22 litigation?</p> <p>23 MS. PARADISE: Objection,</p> <p>24 vague.</p> <p>25 THE SPECIAL MASTER: No, I</p>
<p style="text-align: right;">Page 351</p> <p>1 L. GARR</p> <p>2 not being very pleasant to work with? I</p> <p>3 know it is an uncomfortable question,</p> <p>4 Ms. Garr, given your past relationship</p> <p>5 with him, but what do you mean by that?</p> <p>6 A. There were moments where he</p> <p>7 could be very rude.</p> <p>8 Q. Who was the person who was</p> <p>9 Mr. Donziger's friend coming to work for</p> <p>10 him?</p> <p>11 A. Eric Moe was his name.</p> <p>12 Q. And he was working in</p> <p>13 Mr. Donziger's apartment?</p> <p>14 A. No, at this time we were</p> <p>15 working out of H5's conference room.</p> <p>16 Q. Why were you working out of</p> <p>17 H5's conference room?</p> <p>18 A. Because they offered office</p> <p>19 space and it was better than working out</p> <p>20 of his apartment.</p> <p>21 Q. And who worked at H5?</p> <p>22 A. Julia Brickell, Nicholas -- oh,</p> <p>23 I'm sorry, you mean --</p> <p>24 Q. My question was unclear. Who</p> <p>25 with Donziger & Associates was working at</p>	<p style="text-align: right;">Page 353</p> <p>1 L. GARR</p> <p>2 don't think that is vague.</p> <p>3 A. I was going to ask you to</p> <p>4 repeat it though.</p> <p>5 Q. At the time you left</p> <p>6 Mr. Donziger's employment, was part of</p> <p>7 your concerns that Mr. Donziger did not</p> <p>8 react appropriately when you raised your</p> <p>9 own concerns regarding what was taking</p> <p>10 place in connection with the litigation,</p> <p>11 the Lago Agrio litigation?</p> <p>12 MR. GOMEZ: Objection,</p> <p>13 mischaracterizes.</p> <p>14 A. I don't know what concerns you</p> <p>15 are talking about that I raised to him,</p> <p>16 but -- yeah, I'm sorry, so I don't know --</p> <p>17 there were instances where I don't think</p> <p>18 he reacted well to certain circumstances,</p> <p>19 but I don't know that that was --</p> <p>20 Q. What circumstances?</p> <p>21 A. Well, I mean --</p> <p>22 MS. PARADISE: Objection, asked</p> <p>23 and answered.</p> <p>24 THE SPECIAL MASTER: No, I</p> <p>25 don't think so.</p>

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<p style="text-align: right;">Page 354</p> <p>1 L. GARR</p> <p>2 A. That was very broad. There</p> <p>3 were times when he could be very kind of,</p> <p>4 you know, difficult to work with. He was</p> <p>5 an emotional person, so there were times</p> <p>6 that that was difficult to work with.</p> <p>7 So I don't know -- I'm</p> <p>8 trying -- I don't know if you are speaking</p> <p>9 about here or at the time I was leaving</p> <p>10 his employment.</p> <p>11 Q. Are you trying to say that at</p> <p>12 times Mr. Donziger did not take criticism,</p> <p>13 questions, from you well?</p> <p>14 MR. GOMEZ: Objection,</p> <p>15 mischaracterizes.</p> <p>16 THE SPECIAL MASTER: No, no, he</p> <p>17 is asking a question. He is entitled to</p> <p>18 do that.</p> <p>19 A. I'm sorry, can you repeat the</p> <p>20 question again?</p> <p>21 Q. Are you trying to say that</p> <p>22 Mr. Donziger did not react well when you</p> <p>23 raised questions or criticisms?</p> <p>24 A. That's not what I was trying to</p> <p>25 say, but in answer to that question, I</p>	<p style="text-align: right;">Page 356</p> <p>1 L. GARR</p> <p>2 A. I think I raised at some point</p> <p>3 after the fact with the footage of</p> <p>4 privilege issues of having camera crews in</p> <p>5 various meetings.</p> <p>6 Q. And how did Mr. Donziger react?</p> <p>7 A. I think he -- I recall he</p> <p>8 stated something to the effect of that it</p> <p>9 was important to him that there was public</p> <p>10 awareness brought to this case and that he</p> <p>11 didn't regret having the camera crews</p> <p>12 there.</p> <p>13 THE SPECIAL MASTER: That's it.</p> <p>14 Thank you very much, Ms. Garr. We got you</p> <p>15 out before 6.</p> <p>16 MR. BRODSKY: Thank you,</p> <p>17 Ms. Garr, thank you for your time today.</p> <p>18 (Continued on the next page.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 355</p> <p>1 L. GARR</p> <p>2 think there were times when he did not</p> <p>3 react well.</p> <p>4 THE SPECIAL MASTER: You have</p> <p>5 about a minute left.</p> <p>6 Q. Can you give us an example of a</p> <p>7 time when Mr. Donziger did not react well</p> <p>8 to criticism from you?</p> <p>9 A. Yes.</p> <p>10 MR. GOMEZ: Objection,</p> <p>11 relevance, to him not reacting well to</p> <p>12 criticisms.</p> <p>13 THE SPECIAL MASTER: Criticism</p> <p>14 about the matter.</p> <p>15 Q. What's the subject matter of</p> <p>16 the criticism?</p> <p>17 A. Any example? There was a time</p> <p>18 I stated that I didn't want to get iced</p> <p>19 tea for him and he yelled at me.</p> <p>20 Q. Were there any criticisms that</p> <p>21 you raised with him related to the subject</p> <p>22 matter of the litigation? Did you ever</p> <p>23 criticize the way he was conducting</p> <p>24 himself in connection with the Lago Agrio</p> <p>25 litigation?</p>	<p style="text-align: right;">Page 357</p> <p>1 L. GARR</p> <p>2 THE VIDEOGRAPHER: We are going</p> <p>3 off the record. The time is 5:47 p.m.</p> <p>4</p> <p>5 [TIME NOTED: 5:47 p.m.]</p> <p>6</p> <p>7</p> <p>8 LAURA GARR</p> <p>9</p> <p>10 Subscribed and sworn to before me</p> <p>11 this ____ day of _____, 2013.</p> <p>12</p> <p>13</p> <p>14 Notary Public</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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4 Exhibit 4210 WOODS-HDD-0158292- 94	4 I, TODD DeSIMONE, a Notary Public for
4 0158293	5 and within the State of New York, do
5 Exhibit 4211 GARR00010902- 99	6 hereby certify:
5 00010906	7 That the witness whose testimony as
6 Exhibit 4212 DONZ00054640 Page 1 105	8 herein set forth, was duly sworn by me;
6 of 5 through 5 of 5	9 and that the within transcript is a true
7 Exhibit 4214 DONZ00054812 and 128	10 record of the testimony given by said
7 0054813 Page 1 of	11 witness.
8 4 through 4 of 4	12 I further certify that I am not related
8 and 0054814	13 to any of the parties to this action by
9 Exhibit 4217 DONZ00040882 130	14 blood or marriage, and that I am in no way
9 Exhibit 4219 GARR00069213 136	15 interested in the outcome of this matter.
10 Exhibit 4220 GARR00065707 175	16 IN WITNESS WHEREOF, I have hereunto set
10 Exhibit 4222 DONZ00037626- 178	17 my hand this 5th day of June, 2013.
11 00037631	18
12 Exhibit 4227 GARR00039654- 216	19
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21
22 LAURA GARR
23 SUBSCRIBED AND SWORN TO BEFORE ME
24 THIS ____ DAY OF _____, 2013
25 (NOTARY PUBLIC) MY COMMISSION EXPIRES

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